

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1877,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC., ETC.

PUBLISHED BY THE

SECRETARY OF THE COMMONWEALTH.



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1877.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life : and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals : it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them ; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other ; and of forming

a new constitution of civil government for ourselves and posterity ; and devoutly imploring His direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

Amendment, Art. XI., substituted for this.

Legislature empowered to compel provision for public worship ;

[III.* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and mainte-

* NOTE.—Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets : obsolete portions of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

nance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents and are at all times accountable to them.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and infeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

and to enjoin attendance thereon.

Exclusive right of electing religious teachers secured.

Option as to whom parochial taxes may be paid, unless, &c.

All denominations equally protected. Subordination of one sect to another prohibited.

Right of self-government secured.

Accountability of all officers, &c.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

Objects of government; right of people to institute and change it.

Right of people
to secure rota-
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the
qualifications
prescribed,
equally eligible
to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protec-
tion and duty of
contribution
correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation found-
ed on consent.

Private prop-
erty not to be
taken for pub-
lic uses with-
out, &c.

Remedies by
recourse to the
law, to be free,
complete and
prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Prosecutions
regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury, in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous.

Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant ob-

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

servance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments, prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that

law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

Legislative department.

See amend-
ments, Art. X.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

See amend-
ments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court
may constitute
judicatories,
courts of record,
&c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full

Courts, &c., may
administer
oaths.

power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

General court may enact laws, &c.,

not repugnant to the constitution;

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket* shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz. :—

Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes county and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXIV.

Word "inhabitant" defined.

II. The Senate shall be the first branch of the legislature; [and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually, or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

Selectmen to
preside at town
meetings.

Return of votes.

See amend-
ments, Art. II.

Amendments,
Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of
unincorporated
plantations, who
pay State taxes,
may vote.

Plantation meet-
ings.
See amend-
ments, Art. X.

Assessors to
notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such

Governor and
council to ex-
amine and count
votes, and issue
summonses.

See amend-
ments, Art. X.

records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Senate to be
final judge of
elections, &c.,
of its own mem-
bers.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

See amend-
ments, Arts.
X., XIV. and
XXIV.

Vacancies, how
filled.

Qualifications of
a senator.
See amend-
ments, Arts.
XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to ad-
journ more than
two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings. Shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices : but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth : but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land. Shall try all impeachments.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business. Oath.

Limitation of sentence.

Quorum.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality. Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative ; every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives ; every corporate town, containing six hundred ratable polls, may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative. Representatives, by whom chosen.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls. See amendments, Arts. XII., XIII. and XXI.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution. Proviso as to towns having less than 150 ratable polls.

Towns liable to fine in case, &c.

Expense of travelling to and from the general court, how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a voter.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

See amendments, Arts. III., XX. and XXIII. Representatives, when chosen. See amendments, Arts. X. and XV. House alone can impeach.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days at a time.

VIII. The house of representatives shall have power to adjourn themselves, provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them there-

for; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, return from, or his attending, the general assembly.

Privileges of members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Senate.

Governor and council may punish.

General limitation.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Trial may be by committee, or otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

Governor.

His title.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceeding; and unless he shall, at the same time, be seised, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

To be chosen annually.

Qualifications.

See amendments, Art. VII.

[III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April,

By whom chosen, if he have a majority of votes

See amend-
ments, Arts. II,
X., XIV. and
XV.

annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one who shall be declared governor.]

How chosen,
when no person
has a majority.

Power of gov-
ernor, and of
governor and
council.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or
prorogue the
general court
upon request,
and convene the
same.
See amend-
ments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceeding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amend-
ments, Art. X.

[And the governor shall dissolve the said general court on the day next preceeding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be commander-in-chief.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the

Limitation.

defence of such part of the State to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, &c.

But not before conviction.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

See amendments, Art. V.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

How commissioned.

Election of officers.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. See amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c., how appointed.

Adjutant-general.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

The governor with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Army officers,
how appointed.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Organization of
militia.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Money, how
drawn from the
treasury, ex-
cept, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

Public boards
and certain offi-
cers to make
quarterly re-
turns.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private

Salary of gov-
ernor.

concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of justices of supreme judicial court. Salaries to be enlarged, if insufficient.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—His Honor; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-governor to be acting governor, in case, &c.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incum-

bent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.
See amend-
ments, Art.
XVI.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

Number; from
whom, and how
chosen.

See amend-
ments, Arts. X.,
XIII. and XVI.

Senators becoming
councillors,
seats vacated.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

Rank of coun-
cillors.

[IV. Not more than two councillors shall be chosen out of any one district of this Commonwealth.]

No district to
have more than
two.

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority,

Council to exer-
cise the power
of governor, in
case, &c.

to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present:

Elections may be adjourned until, &c.

Order thereof. Amendments, Arts. XVI. and XXV.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary to keep records; to attend the governor and council, &c.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their

respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace; tenure of their office

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

Causes of marriage and divorce, how determined.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF
LITERATURE, &c.

SECTION 1.

The University.

Harvard Col-
lege.

Powers, privi-
leges, &c., of the
president and
fellows, con-
firmed.

Property de-
vised.

Gifts, grants,
and conveyances
confirmed.

Board of Over-
seers estab-
lished by gener-
al court of 1642.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the

clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Overseers established by constitution.

Power of alteration reserved to the legislature.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

Declaration of executive and legislative officers.

See amendments, Art. VII.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments, Art. VI.

["I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God."]

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," and "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

See amend-
ments, Art. VI.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Oaths and affir-
mations, how
administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Plurality of offi-
ces prohibited to
governor, &c.,
except, &c.

See amend-
ments, Art.
VIII.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate, sheriff, register of probate, or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor, or instructor

Incompatible
offices.

See amend-
ments, Art.
VIII.

of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Same subject.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c., operates disqualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money ascertained. Property qualifications.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

See amendments, Art. XIII.

Provisions respecting commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

Provisions respecting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

Continuation of former laws, except, &c.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

Benefit of
habeas corpus
secured, except.
&c.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

The enacting
style.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

Officers of former government continued until, &c.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. Amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

Provision for preserving and publishing this constitution.

ARTICLES OF AMENDMENT.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 533. See amendments, Arts. XX., XXIII. and XXVI.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public, how appointed and removed.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, &c.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words, “So help me, God,” and subjoining, instead thereof, the words, “This I do under the pains and penalties of perjury.”

Proviso: Quaker may affirm.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

Incompatibility
of offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Commencement
of political year,

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and

done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead. and termination.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.] Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision. Article, when to go into operation.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled. Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:— Religious freedom established.

"As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative

district to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII. Senatorial districts declared permanent. See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned. See amendments, Art. XXI.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Towns may unite into representative districts.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a

Basis of representation, and

ratio of increase.

town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

The governor and council to apportion the number of representatives of each town once in every ten years.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Councillors to be chosen from the people at large.

See amendments, Art. XVI.

Qualifications of councillors.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Freehold as a qualification not required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of

Legislature to district State.

inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.

Day and manner of election, &c.

Vacancies, how filled.

Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election,

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead.

To qualify within ten days, otherwise office to be deemed vacant.

In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

Qualification requisite.

School moneys not to be applied for sectarian schools.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Reading constitution in English and writing, necessary qualifications of voters.
Proviso.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,—or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general

court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Senatorial districts, &c.

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Qualifications of senators.

Sixteen members a quorum.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the senate.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for

Twenty-third article of amendments annulled.

CONSTITUTION OF THE

two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

THE FRAMING AND POPULAR ADOPTION OF THE
CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next ; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved and ratified by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and were approved and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and were approved and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, and was approved and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and were approved and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and was approved and ratified by the people on the sixth day of April, 1863.

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General Statutes and Special Acts

OF

MASSACHUSETTS.

1877.

 The General Court of 1877 assembled on Wednesday, the third day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency ALEXANDER H. RICE and His Honor HORATIO G. KNIGHT, on Thursday, the fourth day of January, in the presence of the two Houses assembled in convention.

A C T S,

GENERAL AND SPECIAL.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. *Chap. 1.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury, from the ordinary revenue, for the purposes specified, to meet the expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-seven, to wit :—

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court of the Commonwealth, three thousand dollars. Clerk.

For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars. Reporter.

For clerk hire and incidental expenses of the reporter of the decisions of said court, a sum not exceeding one thousand five hundred dollars. Expenses.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, five thousand three hundred dollars. Chief justice.

For the salaries of the ten associate justices of said court, fifty thousand dollars. Associate justices.

COURTS OF PROBATE AND INSOLVENCY.

| | |
|-----------------------|---|
| Judge— Suffolk. | For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars. |
| Middlesex. | For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars. |
| Worcester. | For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars. |
| Essex. | For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars. |
| Norfolk. | For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars. |
| Bristol. | For the salary of the judge of probate and insolvency for the county of Bristol, one thousand eight hundred dollars. |
| Plymouth. | For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand five hundred dollars. |
| Berkshire. | For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. |
| Hampden. | For the salary of the judge of probate and insolvency for the county of Hampden, one thousand eight hundred dollars. |
| Hampshire. | For the salary of the judge of probate and insolvency for the county of Hampshire, one thousand four hundred dollars. |
| Franklin. | For the salary of the judge of probate and insolvency for the county of Franklin, one thousand four hundred dollars. |
| Barnstable. | For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars. |
| Nantucket. | For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars. |
| Dukes County. | For the salary of the judge of probate and insolvency for the county of Dukes County, five hundred dollars. |
| Register— Suffolk. | For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. |
| Middlesex. | For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars. |
| Worcester. | For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. |

For the salary of the register of probate and insolvency Essex.
for the county of Essex, two thousand dollars.

For the salary of the register of probate and insolvency Norfolk.
for the county of Norfolk, one thousand five hundred dol-
lars.

For the salary of the register of probate and insolvency Bristol.
for the county of Bristol, one thousand eight hundred dol-
lars.

For the salary of the register of probate and insolvency Plymouth.
for the county of Plymouth, one thousand five hundred
dollars.

For the salary of the register of probate and insolvency Hampden.
for the county of Hampden, one thousand six hundred
dollars.

For the salary of the register of probate and insolvency Berkshire.
for the county of Berkshire, one thousand two hundred
dollars.

For the salary of the register of probate and insolvency Hampshire.
for the county of Hampshire, one thousand four hundred
dollars.

For the salary of the register of probate and insolvency Franklin.
for the county of Franklin, one thousand four hundred
dollars.

For the salary of the register of probate and insolvency Barnstable.
for the county of Barnstable, one thousand dollars.

For the salary of the register of probate and insolvency Nantucket.
for the county of Nantucket, six hundred dollars.

For the salary of the register of probate and insolvency Dukes County.
for the county of Dukes County, six hundred dollars.

For the salary of the assistant-register of probate and Assistant reg-
ister—
insolvency for the county of Suffolk, one thousand five Suffolk.
hundred dollars.

For the salary of the assistant-register of probate and Middlesex.
insolvency for the county of Middlesex, one thousand five
hundred dollars.

For the salary of the assistant-register of probate and Worcester.
insolvency for the county of Worcester, one thousand five
hundred dollars.

For the salary of the assistant-register of probate and Essex.
insolvency for the county of Essex, one thousand five hun-
dred dollars.

For the salary of the assistant-register of probate and Norfolk.
insolvency for the county of Norfolk, one thousand one
hundred dollars.

DISTRICT-ATTORNEYS.

| | |
|------------------------------------|---|
| Attorney and clerk—Suffolk. | For the salary of the district-attorney for the Suffolk district, five thousand dollars, and for the salary of his clerk, one thousand dollars. |
| Assistant attorney—Suffolk. | For the salary of the assistant district-attorney for the Suffolk district, three thousand dollars. |
| Second assistant attorney—Suffolk. | For the salary of the second assistant district-attorney for the Suffolk district, two thousand dollars. |
| Attorney—Eastern district. | For the salary of the district-attorney for the eastern district, two thousand dollars. |
| Northern district. | For the salary of the district-attorney for the northern district, two thousand dollars. |
| Southern district. | For the salary of the district-attorney for the southern district, two thousand dollars. |
| Middle district. | For the salary of the district-attorney for the middle district, two thousand dollars. |
| South-eastern district. | For the salary of the district-attorney for the south-eastern district, two thousand dollars. |
| Western district. | For the salary of the district-attorney for the western district, two thousand dollars. |
| North-western district. | For the salary of the district-attorney for the north-western district, one thousand five hundred dollars. |

POLICE COURTS.

| | |
|--------------------|---|
| Justice—Cambridge. | For the salary of the justice of the police court of Cambridge, one thousand eight hundred dollars. |
| Chelsea. | For the salary of the justice of the police court of Chelsea, one thousand eight hundred dollars. |
| Chicopee. | For the salary of the justice of the police court in Chicopee, one thousand six hundred dollars. |
| Fitchburg. | For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars. |
| Gloucester. | For the salary of the justice of the police court in Gloucester, one thousand six hundred dollars. |
| Haverhill. | For the salary of the justice of the police court in Haverhill, one thousand eight hundred dollars. |
| Holyoke. | For the salary of the justice of the police court in Holyoke, one thousand six hundred dollars. |
| Lawrence. | For the salary of the justice of the police court in Lawrence, one thousand eight hundred dollars. |
| Lee. | For the salary of the justice of the police court in Lee, eight hundred dollars. |
| Lowell. | For the salary of the justice of the police court in Lowell, two thousand two hundred dollars. |

For the salary of the justice of the police court in Lynn, Lynn.
one thousand eight hundred dollars.

For the salary of the justice of the police court in New- Newburyport.
buryport, one thousand dollars.

For the salary of the justice of the police court in New- Newton.
ton, one thousand two hundred dollars.

For the salary of the justice of the police court in Somer- Somerville.
ville, one thousand eight hundred dollars.

For the salary of the justice of the police court in Spring- Springfield.
field, two thousand four hundred dollars.

For the salary of the justice of the police court in Will- Williamstown.
iamstown, three hundred dollars.

For the salary of the clerk of the police court in Cam- Clerk—
Cambridge.
bridge, one thousand dollars.

For the salary of the clerk of the police court in Chelsea, Chelsea.
one thousand dollars.

For the salary of the clerk of the police court in Fitch- Fitchburg.
burg, eight hundred dollars.

For the salary of the clerk of the police court in Haver- Haverhill.
hill, one thousand dollars.

For the salary of the clerk of the police court in Law- Lawrence.
rence, one thousand dollars.

For the salary of the clerk of the police court in Lynn, Lynn.
one thousand dollars.

For the salary of the clerk of the police court in Lowell, Lowell.
one thousand two hundred dollars.

For the salary of the clerk of the police court in New- Newburyport.
buryport, six hundred dollars.

For the salary of the clerk of the police court in New- Newton.
ton, nine hundred dollars.

For the salary of the clerk of the police court of Somer- Somerville.
ville, one thousand dollars.

For the salary of the clerk of the police court in Spring- Springfield.
field, one thousand two hundred dollars.

MUNICIPAL COURTS.

For the salaries of the justices of the municipal court of Justices in
the city of Boston, nine thousand dollars.
the city of Boston, nine thousand dollars.

For the salary of the justice of the municipal court for Justice—
the Roxbury district of Boston, two thousand five hundred
dollars.
the Roxbury district of Boston, two thousand five hundred
dollars.

For the salary of the justice of the municipal court of Dorchester
the Dorchester district in Boston, one thousand six hun-
dred dollars.
the Dorchester district in Boston, one thousand six hun-
dred dollars.

| | |
|---------------------------------------|--|
| Charlestown district. | For the salary of the justice of the municipal court of the Charlestown district in Boston, two thousand dollars. |
| West Roxbury district. | For the salary of the justice of the municipal court of the West Roxbury district in Boston, one thousand six hundred dollars. |
| Brighton district. | For the salary of the justice of the municipal court of the Brighton district in Boston, one thousand six hundred dollars. |
| South Boston district. | For the salary of the justice of the municipal court of the South Boston district in Boston, two thousand dollars. |
| East Boston district. | For the salary of the justice of the municipal court of the East Boston district in Boston, one thousand six hundred dollars. |
| Clerk—Criminal business. | For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars. |
| Clerk and assistant—Roxbury district. | For the salary of the clerk of the municipal court of the Roxbury district in Boston, one thousand five hundred dollars; and for the salary of the assistant of said court, eight hundred dollars. |
| Clerk—Dorchester district. | For the salary of the clerk of the municipal court of the Dorchester district in Boston, one thousand dollars. |
| Charlestown district. | For the salary of the clerk of the municipal court of the Charlestown district in Boston, one thousand five hundred dollars. |
| West Roxbury district. | For the salary of the clerk of the municipal court of the West Roxbury district in Boston, one thousand dollars. |
| Brighton district. | For the salary of the clerk of the municipal court of the Brighton district in Boston, one thousand dollars. |
| South Boston district. | For the salary of the clerk of the municipal court of the South Boston district in Boston, one thousand five hundred dollars. |
| East Boston district. | For the salary of the clerk of the municipal court of the East Boston district in Boston, one thousand dollars. |

DISTRICT COURTS.

| | |
|------------------------------------|--|
| Justice—Central Berkshire. | For the salary of the justice of the district court of central Berkshire, one thousand six hundred dollars. |
| Northern Berkshire. | For the salary of the justice of the district court of northern Berkshire, one thousand two hundred dollars. |
| Southern Berkshire. | For the salary of the justice of the district court of southern Berkshire, one thousand two hundred dollars. |
| Southern Worcester—First district. | For the salary of the justice of the first district court of southern Worcester, one thousand two hundred dollars. |

For the salary of the justice of the second district court of southern Worcester, one thousand five hundred dollars. Second district.

For the salary of the justice of the third district court of southern Worcester, one thousand six hundred dollars. Third district.

For the salary of the justice of the first district court of eastern Worcester, eight hundred dollars. Eastern Worcester—
First district.

For the salary of the justice of the second district court of eastern Worcester, one thousand two hundred dollars. Second district.

For the salary of the justice of the central district court of Worcester, three thousand dollars. Central Worcester.

For the salary of the justice of the first district court of northern Middlesex, one thousand two hundred dollars. Northern Middlesex—
First district.

For the salary of the justice of the first district court of southern Middlesex, one thousand six hundred dollars. Southern Middlesex—
First district.

For the salary of the justice of the district court of central Middlesex, one thousand two hundred dollars. Central Middlesex.

For the salary of the justice of the first district court of eastern Middlesex, two thousand dollars. Eastern Middlesex.

For the salary of the justice of the district court of east Norfolk, one thousand eight hundred dollars. East Norfolk.

For the salary of the justice of the district court of eastern Hampden, one thousand dollars. Eastern Hampden.

For the salary of the justice of the first district court of Bristol, two thousand dollars. Bristol—
First district.

For the salary of the justice of the second district court of Bristol, two thousand dollars. Second district.

For the salary of the justice of the third district court of Bristol, one thousand eight hundred dollars. Third district.

For the salary of the justice of the first district court of Essex, three thousand dollars. Essex—
First district.

For the salary of the justice of the first district court of Plymouth, one thousand two hundred dollars. Plymouth—
First district.

For the salary of the justice of the second district court of Plymouth, one thousand four hundred dollars. Second district.

For the salary of the justice of the third district court of Plymouth, one thousand four hundred dollars. Third district.

For the salary of the justice of the fourth district court of Plymouth, one thousand two hundred dollars. Fourth district.

For the salary of the clerk of the district court of central Berkshire, eight hundred dollars. Clerk—
Central Berkshire.

For the salary of the clerk of the district court of northern Berkshire, eight hundred dollars. Northern Berkshire.

For the salary of the clerk of the district court of southern Berkshire, six hundred dollars. Southern Berkshire.

Central
Worcester.

For the salary of the clerk of the district court of central Worcester, two thousand five hundred dollars; and for the salary of the assistant clerk of said court, one thousand dollars.

Eastern
Worcester.

For the salary of the clerk of the second district court of eastern Worcester, six hundred dollars.

East Norfolk.

For the salary of the clerk of the district court of east Norfolk, one thousand dollars.

Northern
Middlesex.

For the salary of the clerk of the first district court of northern Middlesex, six hundred dollars.

Southern
Middlesex.

For the salary of the clerk of the first district court of southern Middlesex, eight hundred dollars.

Eastern
Middlesex.

For the salary of the clerk of the first district court of eastern Middlesex, one thousand dollars.

Bristol—
First district.

For the salary of the clerk of the first district court of Bristol, one thousand two hundred dollars.

Second district.

For the salary of the clerk of the second district court of Bristol, one thousand eight hundred dollars.

Third district.

For the salary of the clerk of the third district court of Bristol, one thousand dollars.

Plymouth—
First district.

For the salary of the clerk of the first district court of Plymouth, six hundred dollars.

Second district.

For the salary of the clerk of the second district court of Plymouth, eight hundred dollars.

Third district.

For the salary of the clerk of the third district court of Plymouth, eight hundred dollars.

Fourth district.

For the salary of the clerk of the fourth district court of Plymouth, seven hundred dollars.

Essex—
First district.

For the salary of the clerk of the first district court of Essex, two thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1877.

Chap. 2. AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND TRAVEL OF THE MEMBERS OF THE LEGISLATURE, AND FOR THE COMPENSATION OF THE PREACHER OF THE ELECTION SERMON, THE CHAPLAINS, ASSISTANT CLERKS, DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit:—

Senators—
Compensation.

For the compensation of senators, a sum not exceeding twenty-six thousand six hundred and fifty dollars.

For the mileage of senators, a sum not exceeding fifty dollars. Mileage.

For the compensation of representatives, a sum not exceeding one hundred fifty-seven thousand six hundred and fifty dollars. Representatives—
Compensation.

For the mileage of representatives, a sum not exceeding two hundred and fifty dollars. Mileage.

For the compensation of the preacher of the election sermon, one hundred dollars. Preacher of
election sermon.

For the compensation of the chaplains of the senate and house of representatives, eight hundred dollars. Chaplains.

For the compensation of the assistant clerks of the senate and house of representatives, one thousand eight hundred dollars. Assistant clerks.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding seventeen thousand five hundred dollars. Doorkeepers
and messengers.

For expenses of summoning witnesses before committees, and for fees of such witnesses, a sum not exceeding five hundred dollars. Witnesses be-
fore committees.

For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars. Expenses of
committees.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1877.

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR." *Chap. 3.*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-seven, to wit :— Appropriations.

• LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. Clerks.

For the salary of the sergeant-at-arms, two thousand five hundred dollars. Sergeant-at-
arms,

Engineer and watchmen.

For the compensation of an engineer, and such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand dollars.

EXECUTIVE DEPARTMENT.

Lieutenant-governor and council.

For the compensation of the lieutenant-governor, two thousand five hundred dollars, and for the executive council, a sum not exceeding nine thousand six hundred dollars. For the travelling expenses of said council, a sum not exceeding five hundred dollars.

Governor's secretary.

For the salary of the private secretary of the governor, two thousand five hundred dollars.

Messengers.

For the salary of the messenger of the governor and council, one thousand dollars, and for the salary of the assistant messenger, eight hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary.

For the salary of the secretary of the Commonwealth, three thousand dollars.

First clerk.

For the salary of the first clerk in the secretary's department, two thousand dollars.

Second clerk.

For the salary of the second clerk in the secretary's department, one thousand five hundred dollars.

Messenger.

For the salary of the messenger in the secretary's department, one thousand dollars.

Additional clerical assistance.

For such additional clerical assistance as the secretary may find necessary, a sum not exceeding twelve thousand dollars.

TREASURER'S DEPARTMENT.

Treasurer.

For the salary of the treasurer and receiver-general, five thousand dollars.

First clerk.

For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars.

Cashier.

For the salary of the cashier in the treasurer's department, two thousand dollars.

First assistant clerk.

For the salary of the assistant clerk in the treasurer's department, one thousand eight hundred dollars.

Additional clerical assistance.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding three thousand dollars.

TAX COMMISSIONER'S BUREAU.

Deputy tax commissioner.

For the salary of the deputy tax commissioner and commissioner of corporations, three thousand dollars.

For the salary of the first clerk of the tax commissioner, First clerk.
one thousand eight hundred dollars.

For the salary of the second clerk of the tax commissioner, Second clerk.
one thousand three hundred dollars.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding thirteen thousand five hundred dollars. Additional clerical assistance.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, three thousand dollars. Auditor of accounts.

For the salary of the first clerk in the auditor's department, two thousand dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand eight hundred dollars. Second clerk.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding three thousand four hundred dollars. Additional clerical assistance.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, five thousand dollars. Attorney-general.

For the salary of the assistant attorney-general, two thousand five hundred dollars. Assistant.

COMMISSIONERS, AND OTHERS.

For the salaries of the commissioners of savings banks, six thousand six hundred dollars. Commissioners of savings banks.

For the salary of the insurance commissioner, four thousand dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, two thousand five hundred dollars. Deputy insurance commissioner.

For the salary of the first clerk of the insurance commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars. Second clerk.

For the salary of one extra clerk of the insurance commissioner, one thousand two hundred dollars. Extra clerk.

For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding twelve thousand dollars, payable from fees received for the valuation of life policies. Additional clerical assistance.

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| Inspector of gas-meters. | For the salary and office expenses of the inspector of gas-meters, three thousand dollars. |
| Secretary of board of health. | For the salary of the secretary of the state board of health, two thousand five hundred dollars. |
| Secretary of commissioners of prisons. | For the salary of the secretary of the commissioners of prisons, two thousand dollars. |
| Railroad commissioners. | For the salaries of the railroad commissioners, twelve thousand dollars. |
| Clerks. | For the salaries of the clerks of the railroad commissioners, five thousand dollars. |
| Assayer and inspector of liquors. | For the salary of the assayer and inspector of liquors, two thousand five hundred dollars. |
| Bureau of statistics of labor. | For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars. |
| First clerk. | For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars. |
| Clerical services. | For the compensation of other clerical services and for expenses of the bureau of statistics of labor, a sum not exceeding five thousand dollars. |

AGRICULTURAL DEPARTMENT.

| | |
|--------------------|--|
| Secretary. | For the salary of the secretary of the board of agriculture, two thousand five hundred dollars. |
| Clerk. | For the salary of the clerk of the secretary of the board of agriculture, one thousand two hundred dollars. |
| Clerical services. | For compensation of other clerical services in the office of the secretary of said board, and for lectures before the board, four hundred dollars. |

CHARITABLE DEPARTMENT.

| | |
|--------------------------------|---|
| Secretary. | For the salary of the secretary of the board of state charities, two thousand five hundred dollars. |
| Clerical assistance. | For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding four thousand seven hundred dollars. |
| General agent. | For the salary of the general agent of the board of state charities, three thousand dollars. |
| Clerical and other assistance. | For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding eight thousand dollars. |
| Visiting agent. | For the salary of the visiting agent of the board of state charities, two thousand five hundred dollars. |
| Clerical and other assistance. | For such clerical and other assistance as the visiting |

agent of the board of state charities may find necessary, a sum not exceeding eight thousand five hundred dollars.

For the salary of the agent of the sick state poor, a sum not exceeding seven dollars and a half per day, for each day of actual service. Agent of sick state poor.

For such clerical and other assistance as the agent of the sick state poor may find necessary, a sum not exceeding four thousand five hundred dollars. Clerical and other assistance.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars. Board of education—Secretary.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars. Clerk and assistant librarian.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand and sixteen dollars. Additional clerical assistance.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, two thousand five hundred dollars. Adjutant-general.

For the salary of the first clerk of the adjutant-general, two thousand dollars. First clerk.

For the salary of the second clerk of the adjutant-general, one thousand eight hundred dollars. Second clerk.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding seven thousand five hundred and eighty dollars. Additional clerical assistance.

For the salary of the surgeon-general, two thousand five hundred dollars. Surgeon-general.

For the salary of the first clerk of the surgeon-general, two thousand dollars. First clerk.

For the salary of the second clerk of the surgeon-general, one thousand three hundred dollars. Second clerk.

For the salary of the messenger of the surgeon-general, one thousand dollars. Messenger.

For the compensation of the employés at the state arsenal, a sum not exceeding three thousand dollars. Employés at the arsenal.

For such clerical assistance as the adjutant-general may find necessary in preparing for publication "a list of Massachusetts officers, sailors and marines, who served in the navy in the late war," a sum not exceeding two thousand six hundred dollars. Clerical assistance.

MISCELLANEOUS.

Centennial
exhibition at
Philadelphia.

The unexpended balance, amounting to one thousand five hundred fifty dollars and eighty cents, of the appropriation made in chapter seventy-one of the resolves of the year eighteen hundred and seventy-five, for expenses incurred under the direction of the governor and council, in connection with the centennial exhibition at Philadelphia, is hereby reappropriated for the purposes set forth in said resolve.

Transportation
of state paupers.

For the transportation of state paupers, to be expended by the general agent of the board of state charities, a sum not exceeding ten thousand dollars; and if at any time it shall be found necessary, a sum not exceeding one thousand dollars may be advanced on account of said transportation: *provided*, a detailed report of such expenditure shall be rendered to the auditor of accounts whenever required.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1877.

Chap. 4. AN ACT TO DISSOLVE THE CORPORATION OF THE TRUSTEES OF THE MUSEUM OF COMPARATIVE ZOÖLOGY.

Be it enacted, &c., as follows:

Corporation
dissolved.

The corporation of the Trustees of the Museum of Comparative Zoölogy, created by chapter two hundred and eight of the acts of the year eighteen hundred and fifty-nine is hereby dissolved, subject to the provisions of sections thirty-six and thirty-seven of chapter sixty-eight of the General Statutes.

Approved January 30, 1877.

Chap. 5. AN ACT TO AMEND SECTION ELEVEN OF CHAPTER ONE HUNDRED AND SIXTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FORTY-SIX, RELATING TO SUPPLYING THE CITY OF BOSTON WITH PURE WATER.

Be it enacted, &c., as follows:

Amendment to
1846, 167, § 11.

SECTION 1. Section eleven of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six is hereby amended by striking out the words "mayor, treasurer and auditor of the city, or the major part of them for the time being," and inserting instead thereof the words, "board of commissioners on the sinking funds for the payment or redemption of the city debt as constituted by ordinance of said city."

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1877.

AN ACT TO EXTEND THE TIME FOR ORGANIZING CERTAIN RAILROAD CORPORATIONS UNDER CHAPTER NINETY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX. *Chap. 6.*

Be it enacted, &c., as follows :

SECTION 1. The time within which any railroad corporation may be organized under chapter ninety-nine of the acts of the year eighteen hundred and seventy-six, is hereby extended to the thirty-first day of December in the year eighteen hundred and seventy-seven. Time for organization extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1877.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, ENTITLED "AN ACT TO SUPPLY THE TOWN OF HINGHAM WITH PURE WATER." *Chap. 7.*

Be it enacted, &c., as follows :

Section two of chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-six, is hereby amended by striking out the word "Scituate" and substituting therefor the words "South Scituate." Amendment to 1876, 130, § 2.

Approved February 12, 1877.

AN ACT TO INCORPORATE THE VETERAN ASSOCIATION OF THE INDEPENDENT CORPS OF CADETS. *Chap. 8.*

Be it enacted, &c., as follows :

SECTION 1. Christopher C. Holmes, Charles R. Codman, John Jeffries, Charles Amory, Oliver W. Peabody, Jerre Abbott, William J. Dale, George P. Sanger, J. Harris Reed, Martin Brimmer, Samuel H. Russell, Francis Brooks, Charles F. Shimmin, Samuel Hammond, Henry L. Pierce, Joseph M. Churchill, Henry W. Williams, William S. Appleton, Arthur J. C. Sowdon, Otis E. Weld, Curtis B. Raymond, William C. Codman, Adin B. Underwood, John D. Parker, Jr., George P. Denny, Edward F. Daland, Lewis W. Tappan, Alpheus H. Hardy, Edward B. Richardson, Gershom C. Winsor, William S. Bond, George H. Quiney, George P. King, Charles E. Fuller, Edward F. Thayer, William B. Bird, William Putnam Kuhn, Horace Binney Sargent, Jr., Samuel C. Oliver, Hasket Derby, Charles E. Inches, Joseph A. Iasigi, being past members of the organization now called the first corps of cadets, Massachusetts volunteer militia, and commissioned officers of the forty-fifth regiment Massachusetts volunteer infantry, and such other persons as Corporators.

Powers and duties. are or may hereafter become associated with them, are hereby constituted a body corporate by the name of the Veteran Association of the Independent Corps of Cadets, having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to corporations.

Objects of the corporation. SECTION 2. The objects of this corporation shall be to preserve the traditions and customs of the above named corps; to promote its welfare, and to continue and foster its friendships and associations.

May adopt constitution and by-laws. SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duties, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

Real and personal property. SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

Amendment to 1874, 320, § 149. SECTION 5. Section one hundred and forty-nine of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after the word "Newburyport" the words "the veteran association of the independent corps of cadets of Boston."

SECTION 6. This act shall take effect upon its passage.

Approved February 13, 1877.

Chap. 9. AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO PURCHASE THE RAILROAD OF THE SOUTH SHORE RAILROAD COMPANY.

Be it enacted, &c., as follows:

Old Colony Railroad Co. may purchase South Shore Railroad.

SECTION 1. The Old Colony Railroad Company is authorized to purchase the rights, franchises and property of the South Shore Railroad Company; and the said South Shore Railroad Company is authorized to convey and assign to the said Old Colony Railroad Company its railroad, franchises and property, and all the rights, easements, privileges and powers granted to it; and the said Old Colony Railroad Company shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of said South Shore Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which

said last named corporation may be subject: *provided*, Proviso.
however, that such purchase or sale shall not be valid,
 unless agreed to by the directors of the first named corpo-
 ration, and approved by three-fourths of the votes at a
 meeting of the stockholders of said last named corporation
 called for that purpose and by the board of railroad com-
 missioners.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1877.

AN ACT TO AUTHORIZE THE HAMILTON MANUFACTURING COMPANY OF Chap. 10.
 LOWELL TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows:

SECTION 1. The Hamilton Manufacturing Company in Additional
capital stock.
 the city of Lowell is hereby authorized to increase its
 capital stock to a sum not exceeding fifteen hundred thou-
 sand dollars, and to invest such portions thereof in real
 and personal estate as may be necessary and convenient
 for carrying on its business.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1877.

AN ACT TO AMEND AN ACT TO AUTHORIZE THE CITY OF BOSTON TO Chap. 11.
 CONSTRUCT A SEWER IN THE MYSTIC VALLEY.

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter two hundred and Amendment to
1875, 202, § 1.
 two of the acts of the year eighteen hundred and seventy-
 five is hereby amended by striking out the words "and on
 the easterly side of the ponds and streams which discharge
 into said Mystic Pond." Section seven of said act is
 amended by striking out the words "to the northward and
 eastward of said system of sewers of the city of Boston,
 and."

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1877.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS Chap. 12.
 OF THE CATHOLIC CEMETERY IN DORCHESTER.

Be it enacted, &c., as follows:

SECTION 1. The corporation known by the name of the Name changed
to Boston Cath-
olic Cemetery
Association.
 Catholic Cemetery Association in Dorchester, shall be
 hereafter known by the name of the Boston Catholic
 Cemetery Association.

SECTION 2. Said corporation may hold real and per- Real and
personal estate.
 sonal estate, for the purposes for which it was established,

to the amount of one hundred thousand dollars, in addition to the amount that said corporation is now authorized by law to hold.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1877.

Chap. 13. AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS HISTORICAL SOCIETY.

Be it enacted, &c., as follows :

Additional real
and personal
estate.

SECTION 1. The Massachusetts Historical Society is hereby authorized to hold real and personal estate, in addition to its library, to an amount of three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1877.

Chap. 14. AN ACT IN RELATION TO WELLESLEY COLLEGE.

Be it enacted, &c., as follows :

May confer
degrees and
diplomas.

The corporation of Wellesley College is hereby authorized to grant such honorary testimonials, and confer such honors, degrees and diplomas as are granted or conferred by any university, college or seminary of learning in this Commonwealth; and the diplomas so granted shall entitle the possessors to the immunities and privileges allowed by usage or statute to the possessors of like diplomas from any university, college or seminary of learning in this Commonwealth: *provided, nevertheless*, that no such honors, degrees or diplomas shall be conferred except by the vote of a majority of the trustees of said corporation.

Proviso.

Approved February 16, 1877.

Chap. 15. AN ACT TO INCORPORATE THE BOSTON PRODUCE EXCHANGE.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Freeman J. Doe, Salmon P. Hibbard, Morris B. Boynton, David Ellis, Reuben P. Benton, their associates and successors, are hereby made a corporation by the name of the Boston Produce Exchange, for the purpose of promoting and increasing the facilities for trade in produce in the city of Boston and its vicinity; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force concerning such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Powers and
duties.

Proviso.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars to be devoted exclusively to the purposes of said corporation.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1877.

AN ACT TO REGULATE THE FISHERIES IN LAKE QUANNAPOWITT, AND IN SAUGUS RIVER AND ITS TRIBUTARIES.

Chap. 16.

Be it enacted, &c., as follows:

SECTION 1. No person shall fish with a net or seine in Lake Quannapowitt, or in Saugus River or its tributary streams in the counties of Middlesex and Essex, other than the one running from Flax Pond in the city of Lynn, nor in any manner take or catch any shad, salmon or alewives in said waters until the first day of January in the year eighteen hundred and eighty-two, under the penalty of fifty cents for each alewife, one dollar for each shad, and ten dollars for each salmon so taken: *provided*, that the several fish committees of the towns of Wakefield and Saugus, or such person or persons as may be authorized by them, may take such fish as may be required to re-stock said river and its tributaries.

Fisheries regulated.

Proviso.

SECTION 2. The several fish committees of the towns of Wakefield and Saugus, or any member or members of said committees, may remove any and all nets, seines, weirs or other fishing apparatus, used in violation of the provisions of this act.

Fish committees may remove and destroy weirs, etc.

SECTION 3. Any person who shall place or cause to be placed in the waters of Lake Quannapowitt, or of the Saugus River or any of its tributaries, not herein exempted, or who shall cause to flow into said waters any substance whereby the fish therein may be destroyed or injured, or their passage hindered or obstructed, shall be punished by a fine not exceeding fifty dollars for each offence.

Penalties.

SECTION 4. This act shall take effect upon its passage.

Approved February 16, 1877.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SECOND ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

Chap. 17.

Be it enacted, &c., as follows:

SECTION 1. The justices of the superior court, or a majority of them, may appoint a second assistant clerk of said court for civil business in the county of Suffolk, who

Second assistant clerk—salary.

shall hold his office at their pleasure and who shall receive in full for all services performed by him an annual salary of fifteen hundred dollars, to be paid quarterly by the county of Suffolk.

To pay over fees
to clerk; to give
bond.

SECTION 2. Said second assistant clerk may, under the direction of the justices aforesaid, perform all duties which may be performed by the clerk, and shall pay over to the clerk all fees and sums received by him as said assistant. He shall give bond to the treasurer of said county in the sum of one thousand dollars, with sureties to the satisfaction of the justices aforesaid, conditioned for the faithful performance of his duties.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1877.

Chap. 18. AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, CONCERNING ATTACHMENTS.

Be it enacted, &c., as follows:

Amendment to
1876, 167.

SECTION 1. The special precepts mentioned in chapter one hundred and sixty-seven of the acts of eighteen hundred and seventy-six may be issued by any of the courts named in section one of said chapter, or by any justice thereof, at any time, either in term time or vacation.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1877.

Chap. 19. AN ACT TO CHANGE THE NAME OF THE AMESBURY SAVINGS BANK.
Be it enacted, &c., as follows:

Name changed
to Merrimac
Savings Bank.

SECTION 1. The Amesbury Savings Bank shall be called and known as the Merrimac Savings Bank.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

Chap. 20. AN ACT TO AUTHORIZE THE POTOMSKA MILLS CORPORATION TO INCREASE ITS CAPITAL STOCK AND TO ISSUE SPECIAL STOCK.

Be it enacted &c., as follows:

May increase
capital stock.

SECTION 1. The Potomska Mills Corporation is hereby authorized to increase its capital stock by adding thereto a sum not exceeding nine hundred thousand dollars, and to invest such portion thereof in real and personal estate as may be necessary and convenient for the purposes for which it has been incorporated: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum to be actually paid in on each, than the par value

Proviso.

of the shares in the original capital stock of said corporation.

SECTION 2. Said corporation, by vote of three-fourths in value of the stockholders present and voting at any meeting duly called for the purpose, within one year from the passage of this act, may issue special stock to such an amount and upon such terms and conditions, except as hereinafter specified, as may be determined by said vote: *provided*, that the whole capital stock of said corporation including said special stock shall not exceed fifteen hundred thousand dollars. Said special stock shall be entitled to a preference over the general stock in the payment of dividends from the earnings of said corporation; *provided*, that no dividend to said preferred stock shall exceed six per cent. annually upon the par value thereof. Said stock shall be convertible into general stock, at the option of the holder, upon notice to the treasurer.

May issue special stock.

Provisos.

SECTION 3. This act shall take effect upon its passage.

Approved February 21, 1877.

AN ACT TO AMEND AN ACT TO INCORPORATE THE BOSTON AND WORCESTER RAILROAD MUTUAL BENEFIT ASSOCIATION.

Chap. 21.

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and seventy of the acts of the year eighteen hundred and fifty-five is hereby amended so that the association incorporated by said act may hold its meetings at any station on the line of the Boston and Albany Railroad Company within this state.

Amendment to 1855, 170.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF THE CATTLE FAIR HOTEL IN THE TOWN OF BRIGHTON.

Chap. 22.

Be it enacted, &c., as follows:

SECTION 1. The corporation known as the Cattle Fair Hotel is hereby authorized, from time to time, to discontinue the use as a public house of the hotel building owned by it, and the use of the outbuildings, pens and other structures in its act of incorporation named, for the purposes therein specified; and said corporation is further authorized to sell and convey or in any manner dispose of or use the property, both real and personal, held by it, as said corporation may from time to time determine.

May be discontinued as a public house.

May sell property.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

Chap. 23. AN ACT TO ESTABLISH THE BOARD OF OVERSEERS OF THE POOR IN THE CITY OF CHELSEA.

Be it enacted, &c., as follows:

Overseers of the poor to be elected for one, two and three years.

SECTION 1. In the month of December in the present year, the city council of the city of Chelsea, by concurrent vote, shall elect three persons to serve as members of the board of overseers of the poor, for one, two and three years, respectively, and annually thereafter in the month of December, said city council shall elect in the same manner one person to serve as a member of said board for three years; and the persons so elected shall begin their respective terms of service on the first Monday of January next after their election.

May be removed from office by the city council.

SECTION 2. The said city council may at any time, for cause, remove any member of said board and shall fill any vacancy therein by election in the manner hereinbefore provided, as soon as may be after the occurrence of such vacancy; and the person elected to fill a vacancy shall serve during the remainder of the term for which his predecessor was elected.

Organization of board.

SECTION 3. On the first Monday of January in each year, said board shall meet and organize by the choice of a chairman from their own number, and a clerk not of their own number, and such other subordinate officers not of their own number as they shall deem expedient, and shall define the duties, and fix the salaries to be paid out of the city treasury, of the clerk and other subordinate officers; but no member of said board shall receive any compensation whatever.

Repeal.
1857, 18, § 5.

SECTION 4. So much of section five of chapter eighteen of the acts of the year eighteen hundred and fifty-seven, entitled "An Act to establish the city of Chelsea," as relates to overseers of the poor, and all acts and parts of acts inconsistent herewith are hereby repealed.

Subject to acceptance by city council.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Chelsea, by concurrent vote: *provided*, the same shall be accepted within six months from the date of its passage.

Approved February 21, 1877.

Chap. 24. AN ACT TO AMEND AN ACT IN RELATION TO TEXT-BOOKS IN THE PUBLIC SCHOOLS.

Be it enacted, &c., as follows:

Amendment to
1876, 47, § 3.

SECTION 1. Chapter forty-seven of the acts of the year eighteen hundred and seventy-six is hereby amended, in

the third section by adding thereto the words, "on giving up a copy of the superseded book in condition fit to be used."

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

AN ACT TO CONFIRM CERTAIN ACTS OF THE TOWN OF METHUEN.

Chap. 25.

Be it enacted, &c., as follows:

SECTION 1. The action of the town of Methuen, at a meeting thereof held on the third day of July and by adjournment on the seventeenth day of July in the year eighteen hundred and seventy-six, in voting to appropriate the sum of one thousand dollars for the purpose of defraying the expense of the celebration of the one hundred and fiftieth anniversary of its incorporation as a town, and the one hundredth anniversary of the national existence on the seventh day of September in the year eighteen hundred and seventy-six, is hereby authorized, ratified and made valid; and the said town is hereby authorized to raise the said sum by taxation for the purpose aforesaid.

Action of the town confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1877.

AN ACT TO PRESERVE THE EEL FISHERIES IN MUSQUASHUIT CREEK AND ITS TRIBUTARIES IN THE TOWNS OF SCITUATE AND COHASSET.

Chap. 26.

Be it enacted, &c., as follows:

SECTION 1. Whoever takes, catches or destroys any eels in Musquashuit Creek or its tributaries, in the towns of Scituate and Cohasset, in the counties of Plymouth and Norfolk, in any other manner than by spear, or hook and line, shall forfeit for every eel so taken, not less than one dollar nor more than five dollars, one-half of said fine to be paid to the complainant.

Eel fisheries regulated.

SECTION. 2. Whoever wilfully places any obstruction, or otherwise interferes with the free passage of eels in said creek or tributaries, shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Penalty for obstructing free passage of eels.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

Recovery of fines.

SECTION 4. This act shall take effect upon its passage.

Approved February 21, 1877.

Chap. 27. AN ACT TO FIX THE SALARY OF THE SECOND CLERK IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, &c., as follows :

Salary established.

SECTION 1. From and after the first day of January in the year eighteen hundred and seventy-seven, the second clerk in the department of the secretary of the Commonwealth shall receive a salary of seventeen hundred dollars per annum.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1877.

Chap. 28. AN ACT IN RELATION TO THE SURRENDER OF SECURITIES DEPOSITED WITH THE TREASURER BY INSURANCE COMPANIES.

Be it enacted, &c., as follows :

Securities may be surrendered when company has ceased to do business in the Commonwealth.

SECTION 1. Securities deposited with the treasurer of the Commonwealth by any insurance company under the provisions of the sixth section of chapter one hundred and forty-one of the acts of the year eighteen hundred and seventy-three, may be surrendered to the company so depositing the same, whenever satisfactory proof shall have been furnished to the insurance commissioner that said company has ceased to do business in this Commonwealth, and that all its liabilities to the Commonwealth and to holders of policies effected in this Commonwealth have been cancelled and discharged.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1877.

Chap. 29. AN ACT TO PROVIDE FOR THE REVOCATION OF LICENSES OF INSURANCE BROKERS FOR CERTAIN CAUSES.

Be it enacted, &c., as follows :

Insurance brokers' licenses may be revoked upon failure to pay over premiums collected.

SECTION 1. Whenever it shall appear to the insurance commissioner of this Commonwealth that any insurance broker, holding a license as such broker from said commissioner, has collected the premium or any portion thereof upon any policy of insurance intrusted to said broker by any insurance company organized or incorporated under the laws of this Commonwealth, or by any duly authorized agent in this Commonwealth of an insurance company of another state or foreign country, and has failed or neglected to pay over the same to said insurance company or agent entitled to the same, within thirty days from the time the said premium was collected, it shall then be the duty of the insurance commissioner to revoke the license of such broker, and such license shall not be renewed nor any new

license granted in place thereof to said party within one year from the date of such revocation.

SECTION 2. Before any license shall be revoked, as provided in the first section of this act, the insurance commissioner shall require from any aggrieved insurance company or agent as aforesaid, a written statement of facts signed and sworn to by any officer of the insurance company, or by the authorized agent as aforesaid, showing the amount of premium and of whom and by whom collected, for what policy or policies, and the date of such payment or payments, and such other evidence as said commissioner may desire, to clearly establish the facts in the case, and said broker may be heard before said commissioner in his defence, in such manner and at such time as said commissioner shall determine.

Statement of facts to be sworn to by the company aggrieved.

SECTION 3. Insurance companies and agents as aforesaid shall, at least five days before furnishing to the insurance commissioner the statement required by the second section of this act, notify the broker affected by such statement by a notice in writing, delivered to him personally or by letter post-paid, or delivered at the residence or place of business of said broker, giving a substantial copy of the statement to be presented to the insurance commissioner, and the date it is to be so presented, and they shall furnish the proper proof that such notice has been given.

Broker to be notified.

SECTION 4. Whenever a broker's license has been revoked by virtue of this act, the insurance commissioner shall cause notice of such revocation to be published in such manner as he may deem best for the protection of the public.

Notice of revocation of license to be published by insurance commissioner.

Approved February 27, 1877.

AN ACT TO AMEND SECTION TWENTY-ONE OF CHAPTER SEVENTEEN OF THE GENERAL STATUTES, RELATING TO COUNTY TAXES.

Chap. 30.

Be it enacted, &c., as follows:

Section twenty-one of chapter seventeen of the General Statutes is hereby amended by adding at the end of the section the words, "and shall also fix and prescribe the time for the payment of the same." *Approved February 27, 1877.*

County commissioners to fix the time when county taxes shall be paid.

AN ACT RELATING TO THE APPOINTMENT OF TRUSTEES UNDER WILLS.

Chap. 31.

Be it enacted, &c., as follows:

SECTION 1. The probate courts shall have exclusive original jurisdiction of the appointment of trustees under wills.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved February 27, 1877.

Probate court to have exclusive original jurisdiction of appointment of trustees under wills.

Chap. 32. AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, &c., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-seven, to wit :—

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

| | |
|--|---|
| Printing and binding ordered by legislature. | For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding fifty thousand dollars. |
| Senate stationery. | For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars. |
| Senate blanks and circulars. | For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding one thousand dollars. |
| House stationery. | For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding one thousand two hundred dollars. |
| House blanks and circulars. | For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding one thousand five hundred dollars. |
| Stationery, etc., ordered by sergeant-at-arms. | For books, stationery, printing and advertising ordered by the sergeant-at-arms for the legislature, a sum not exceeding one thousand dollars. |
| Postage, etc., for governor and council. | For postage, printing and stationery for the governor and council, a sum not exceeding five hundred dollars. |
| Contingent expenses of council. | For the contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars. |
| Expenses of executive department. | For such other expenses of the executive department as the governor may find necessary, a sum not exceeding five thousand dollars. |

STATE HOUSE EXPENSES.

| | |
|------------------------------|--|
| State house—Fuel and lights. | For fuel and lights for the state house, a sum not exceeding four thousand dollars. |
| Furniture and repairs. | For repairs, improvements and furniture of the state house, a sum not exceeding four thousand dollars. |

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars.

Contingent expenses of senate and house of representatives.

For rent, taxes and other expenses connected with house number thirty-three Pemberton Square, a sum not exceeding eleven thousand dollars.

Expenses of house in Pemberton Square.

STATE PRINTING.

For printing the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding eight thousand dollars.

Printing general laws.

For printing and binding the "blue book" edition of the acts and resolves of the present year, with the governor's message and other matters, in the usual form, a sum not exceeding six thousand five hundred dollars.

Printing and binding "blue book."

For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

Newspaper publication of general laws.

For printing the public series of documents for the present year, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the cities and towns, a sum not exceeding forty thousand dollars.

Public documents.

For term reports, a sum not exceeding five thousand dollars.

Term reports.

For the publication and editing of the supplement to the General Statutes for the present year, a sum not exceeding eight hundred dollars; viz., six hundred dollars for the publication, and two hundred dollars for the editing of the same.

Supplement to General Statutes.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding five thousand dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand five hundred dollars.

Incidental expenses—secretary.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand five hundred dollars.

Treasurer.

For expenses of the tax commissioner, a sum not exceeding three thousand five hundred dollars.

Tax commissioner.

For expenses of the auditor's department, the same to include expenses attending the administration of the law

Auditor.

providing state aid for Massachusetts volunteers and their families, a sum not exceeding seven hundred dollars.

Insurance
commissioner.

For expenses of the insurance commissioner's department, a sum not exceeding six thousand dollars, one-third of which sum may be used in the life department, and shall be payable from fees received for valuation of life policies.

Supreme
judicial court.

For expenses of the supreme judicial court, a sum not exceeding two thousand five hundred dollars.

Attorney-
general.

For incidental and contingent expenses of the attorney-general's department, a sum not exceeding two thousand dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars.

Civil actions.

MILITARY.

Adjutant-
general—
incidentals.

For incidental and contingent expenses of the adjutant-general's department, a sum not exceeding three thousand dollars.

Compensation
of militia.

For the compensation of officers and men of the volunteer militia, for military duty, a sum not exceeding sixty thousand dollars.

Transportation.

For the transportation of officers and men of the volunteer militia, while on military duty, a sum not exceeding twelve thousand dollars.

Quartermaster
—incidentals.

For incidental and contingent expenses of the bureau of the quartermaster-general, a sum not exceeding seven thousand dollars.

Supplies.

For quartermasters' supplies, a sum not exceeding seven thousand dollars.

Rent of armo-
ries, etc.

For rent of brigade and battalion headquarters, and company armories, a sum not exceeding twenty-five thousand dollars.

Military ac-
counts.

For military accounts, in connection with the volunteer militia, not otherwise provided for, a sum not exceeding five thousand dollars.

Books of
instruction.

For books of instruction for the use of the volunteer militia, a sum not exceeding five hundred dollars.

Surgeon-
general.

For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.

Medical
supplies.

For medical, surgical and hospital supplies and contingent expenses connected therewith, the same being for use of the volunteer militia, a sum not exceeding five hundred dollars.

Reimbursement
for state aid.

For the reimbursement of cities and towns for money paid on account of state aid to Massachusetts volunteers

and their families, a sum not exceeding four hundred thousand dollars, the same to be payable on the first day of December of the present year.

State aid under general laws.

For the payment of state aid, as authorized in sundry special acts and resolves, a sum not exceeding three hundred dollars.

State aid under special laws.

For the payment of bounties remaining due to Massachusetts soldiers, a sum not exceeding five hundred dollars.

Bounties to soldiers.

For expenses attending elections in the volunteer militia, a sum not exceeding one thousand dollars.

Expenses attending elections.

AGRICULTURAL.

For bounties to agricultural societies, a sum not exceeding eighteen thousand dollars.

Bounties to societies.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand dollars.

Expenses of members of board.

For the travelling expenses of the secretary of the board of agriculture, all postage and necessary expenses, a sum not exceeding three hundred dollars.

Secretary.

For printing the report of the board of agriculture, a sum not exceeding twelve thousand dollars.

Printing report.

For other incidental expenses of the board of agriculture, a sum not exceeding two hundred dollars.

Incidental expenses.

The fees received under section two of chapter two hundred and six of the acts of the year eighteen hundred and seventy-four, entitled "An Act concerning commercial fertilizers," are appropriated, to be used in accordance with the provisions of section five of the same act.

Fees for licenses under 1874, 206, § 2.

MISCELLANEOUS.

To the sheriffs of the different counties, for distributing proclamations, blanks, and making return of votes, a sum not exceeding five hundred dollars.

Sheriffs, for distributing proclamations.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under direction of the trustees and librarian.

Books for state library.

For compensation of experts, or other agents, for rent of office and for contingent expenses of the railroad commissioners, a sum not exceeding two thousand seven hundred dollars.

Railroad commissioners' contingent expenses.

For compensation of the commissioners on public lands, a sum not exceeding two thousand five hundred dollars; and for contingent expenses of said commissioners, a sum

Commissioners on public lands.

not exceeding seven hundred and fifty dollars; for filling, grading, etc., a sum not exceeding two thousand dollars; said sums to be paid from the "commissioners on public lands funds." The proceeds of sales of public lands are hereby appropriated to be applied in accordance with the statutes.

Commissioners
on fisheries.

For the compensation and expenses of the commissioners on inland fisheries, a sum not exceeding five thousand dollars.

For travelling and incidental expenses of the commissioners on savings banks, a sum not exceeding one thousand dollars.

State board of
health.

For expenses of the state board of health, a sum not exceeding five thousand dollars.

Commissioner
of corporations.

For expenses of the commissioner of corporations, a sum not exceeding one thousand five hundred dollars.

Harbor com-
missioners.

For the compensation and expenses of the harbor commissioners, a sum not exceeding thirteen thousand dollars.

Commonwealth
flats at South
Boston.

For the compensation and expenses of the agents for the Commonwealth's flats at South Boston, a sum not exceeding seven thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1877.

Chap. 33. AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE ALMSHOUSE, THE STATE PRIMARY SCHOOL AT MONSON, THE STATE PRISON, THE REFORM SCHOOL AT WESTBOROUGH, THE INDUSTRIAL SCHOOL AT LANCASTER, THE BRIDGEWATER WORKHOUSE, THE STATE DETECTIVE FORCE, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year eighteen hundred and seventy-seven, to wit :—

CHARITABLE.

State alms-
house, Tewks-
bury.

For the payment of salaries at the state almshouse at Tewksbury, a sum not exceeding nineteen thousand dollars; and for other current expenses of said institution, a sum not exceeding seventy-three thousand dollars.

State primary
school, Monson.

For the payment of salaries at the state primary school at Monson, a sum not exceeding twelve thousand dollars;

and for other current expenses of said institution, a sum not exceeding thirty-two thousand dollars.

For expenses of the general agent of the board of state charities, a sum not exceeding one thousand five hundred dollars. General agent's expenses.

For expenses of the secretary of the board of state charities, a sum not exceeding eight hundred dollars. Secretary's expenses.

For expenses of the visiting agent of the board of state charities, a sum not exceeding four thousand one hundred dollars. Visiting agent's expenses.

For expenses of the agent for the sick of the state poor, a sum not exceeding one thousand five hundred dollars. Agent for sick state poor.

For travelling and other expenses of the board of state charities, a sum not exceeding one thousand dollars. Travelling expenses.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding ninety-five thousand dollars. Lunatic paupers in hospitals.

For the support of state paupers by cities and towns, a sum not exceeding twenty thousand dollars. Support of state paupers by cities and towns.

For the burial of state paupers, a sum not exceeding seven thousand dollars. Burial of state paupers.

For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of, or in behalf of, persons confined as lunatics, a sum not exceeding one thousand five hundred dollars. Cases of settlement, etc.

For the reimbursement of cities and towns for expenses incurred in the transportation of state paupers to the state almshouse, a sum not exceeding one thousand dollars. Transportation of state paupers.

For the reimbursement of the Massachusetts infant asylum for the support of infants having no known settlement in the Commonwealth, a sum not exceeding five thousand dollars. Infant asylum.

For the support of Indian state paupers, a sum not exceeding two hundred and fifty dollars. Indian state paupers.

For the support of pauper convicts, a sum not exceeding five hundred dollars. Pauper convicts.

For the annuities due from the Commonwealth incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand three hundred dollars. Johonnot annuities.

For other annuities, a sum not exceeding one thousand four hundred and twenty-five dollars. Annuities.

For pensions, a sum not exceeding seven hundred and sixteen dollars. Pensions.

Idiotic and feeble-minded youth.

For the Massachusetts school for idiotic and feeble-minded youth, a sum not exceeding seventeen thousand five hundred dollars.

Dangerous diseases.

For expenses incurred in connection with small-pox and other diseases dangerous to the public health, a sum not exceeding three thousand dollars.

Expenses of visiting agent.

For expenses of the visiting agent of the board of state charities for the year eighteen hundred and seventy-six, the unexpended balance (amounting to one thousand and sixty-nine dollars) of the appropriation for salaries in his bureau for said year.

REFORMATORY AND CORRECTIONAL.

State detective force.

For the salary of the chief of the state detective force, two thousand five hundred dollars; for the compensation of the detectives, a sum not exceeding twenty-six thousand four hundred dollars; for travelling expenses actually paid by said detectives, a sum not exceeding eight thousand dollars; and for incidental and contingent expenses, a sum not exceeding five thousand five hundred dollars.

State prison.

For the payment of salaries at the state prison, a sum not exceeding forty-eight thousand dollars; and for other current expenses of said institution, a sum not exceeding ninety-five thousand dollars.

State reform school.

For the payment of salaries at the state reform school at Westborough, a sum not exceeding twenty-two thousand dollars; and for other current expenses of said institution, a sum not exceeding forty-five thousand dollars.

Industrial school.

For the payment of salaries at the industrial school for girls at Lancaster, a sum not exceeding eight thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding seventeen thousand five hundred dollars.

State work-house.

For the payment of salaries at the state workhouse at Bridgewater, a sum not exceeding eleven thousand dollars; and for other current expenses of said institution, a sum not exceeding thirty-nine thousand dollars.

Fugitives from justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

Discharged convicts.

For the salary of the agent for the relief of discharged convicts, one thousand dollars; and for expenditures by said agent, a sum not exceeding three thousand dollars.

Coroners' inquests.

For expenses attending coroners' inquests, a sum not exceeding one thousand five hundred dollars.

For expenses of the board of prison commissioners, a sum not exceeding five hundred dollars. Prison commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1877.

AN ACT TO AMEND CHAPTER ONE HUNDRED SEVENTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATIVE TO THE CHARTER OF THE JAMAICA POND AQUEDUCT CORPORATION.

Chap. 34.

Be it enacted, &c., as follows :

The second section of chapter one hundred and seventy-six of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after the words "bathes or," and before the words "fishes therein," the words, "between the first day of December in any year and the first day of April in the following year."

Amendment to 1874, 176, § 2.

Approved March 1, 1877.

AN ACT TO PROVIDE FOR TAKING THE CERTIFICATE REQUIRED IN LIMITED PARTNERSHIPS WHEN PARTNERS RESIDE OUTSIDE THE COMMONWEALTH.

Chap. 35.

Be it enacted, &c., as follows :

SECTION 1. When one or more partners of a limited partnership reside in any other state or country, the certificate required by chapter three hundred and twenty section one of the acts of the year eighteen hundred and seventy-three may be acknowledged before any United States consul, notary public or any magistrate in such other state or country authorized to take acknowledgment of deeds for the Commonwealth of Massachusetts.

Certificate in limited partnerships when partners reside out of the state.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1877.

AN ACT TO AMEND AN ACT RELATING TO DIVIDENDS OF JOINT STOCK FIRE AND MARINE INSURANCE COMPANIES, AND TO DEFINE THE WORDS "JOINT STOCK," AND CONFIRM THE ACTS OF CERTAIN INSURANCE COMPANIES.

Chap. 36.

Be it enacted, &c., as follows :

SECTION 1. The first section of chapter two hundred and twenty-two of the acts of the year eighteen hundred and seventy-four is hereby amended so that the words "joint stock fire and marine insurance companies organized under the laws of this Commonwealth" shall be construed to include all fire, marine, and fire and marine insurance companies in this Commonwealth, having a paid up cash capital stock in conformity to law whether acting by

Amendment to 1874, 222, § 1.

authority of a specific charter or organized under the general laws of this Commonwealth, but not to include mutual insurance companies having a guarantee capital; and the words "joint stock" as applied to insurance companies in the various statutes of this Commonwealth shall be construed as heretofore provided in this act.

Doings legalized
and confirmed.

SECTION 2. All acts of insurance companies of this Commonwealth, whereby they have in good faith and with the approval of the insurance commissioner, acting under the supposed authority conferred by chapter two hundred and twenty-two of the acts of the year eighteen hundred and seventy-four, declared and paid dividends or increased their capital stock, they having otherwise conformed to the laws, are hereby legalized and confirmed.

Approved March 10, 1877.

Chap. 37. AN ACT TO PROVIDE FOR THE REDEMPTION OF LANDS SOLD FOR NON-PAYMENT OF CERTAIN ASSESSMENTS.

Be it enacted, &c., as follows:

Redemption of
lands sold for
non-payment
of assessments.

SECTION 1. When any real estate is sold for non-payment of an assessment thereon of a portion of the cost of any public improvement, it may be redeemed in the same manner by the same persons and on the same terms as if it had been sold for non-payment of taxes.

Sales made
under existing
assessments.

SECTION 2. This act shall apply to all sales hereafter made under existing assessments.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1877.

Chap. 38. AN ACT RELATING TO THE TERM OF OFFICE OF ENGINEMEN AND OTHER MEMBERS OF FIRE DEPARTMENTS.

Be it enacted, &c., as follows:

Term of office
of engineers,
etc., of fire
departments.

SECTION 1. Any city or town which has established, or may hereafter establish, a fire department under the provisions of chapter twenty-four of the General Statutes, or acts in addition thereto or amendment thereof, may by vote of the city council in such city, or of the inhabitants of such town, at a meeting called for the purpose, appoint the term of office for the engineers, engine-men and other members of the fire department, to begin at any future day, and to end in one year from the day so appointed, and so on from year to year.

Amendment to
Gen. Stat. 24.

SECTION 2. Whenever a year is thus appointed other than the year beginning on the first day of May, which is prescribed in said chapter twenty-four, all dates or other provisions of said chapter that have reference to the month

of May, shall be so far altered as to have like reference to the first month of the year thus appointed.

SECTION 3. For the purpose of changing, in accordance with a vote passed as provided in section one, the system existing at any time, any city or town, may, by another vote which may be passed at the same time, abridge or protract the current term of office of the engineers, enginemen and other members of the fire department: *provided*, that no term shall be made shorter than six months nor longer than eighteen months; and *provided*, *further*, that the incumbents of such offices shall in all cases hold office until others are appointed in their stead.

Current terms
of office may be
abridged or
protracted.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT MAKING APPROPRIATIONS FOR THE EDUCATION OF THE BLIND, AND OF DEAF-MUTES, AND FOR OTHER EDUCATIONAL PURPOSES. *Chap. 39.*

Be it enacted, &c., as follows:

SECTION 1. The sums mentioned in this section are appropriated and shall be paid from the treasury of the Commonwealth, to wit:—

Appropriations.

For the Perkins institution and Massachusetts asylum for the blind, the sum of thirty thousand dollars.

Perkins institution for the blind.

For the support of Massachusetts pupils in the American asylum, and in other institutions for deaf-mutes, a sum not exceeding thirty thousand dollars.

American asylum for deaf-mutes.

SECTION 2. The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Rogers book fund.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied by said board in accordance with chapter thirty-six of the General Statutes.

Todd normal school fund.

The income of the agricultural college fund shall be paid in accordance with the provisions of chapters one hundred and eighty-six and two hundred and twenty of the acts of the year eighteen hundred and sixty-three.

Agricultural college fund.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT IN RELATION TO THE METRIC SYSTEM OF WEIGHTS AND MEASURES. *Chap. 40.*

Be it enacted, &c., as follows:

SECTION 1. That from and after the passage of this act it shall be lawful throughout the Commonwealth of Massa-

The metric system of weights and measures

may be lawfully used. chusetts to employ the weights and measures of the metric system, and no contract or dealing or pleading in any court shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system. The metric weights and measures received from the United States, and now in the treasury of the Commonwealth, may be used and taken as authorized public standards of weights and measures ; and these authorized standards shall in no case be removed from the treasury except under necessity for their preservation or repair.

SECTION 2. The following tables shall be recognized in the construction of contracts and in all legal proceedings as establishing in terms of the weights and measures now in use in the state of Massachusetts, the equivalents of the weights and measures expressed therein in terms of the metric system ; and said tables may be lawfully used for computing, determining and expressing in customary weights and measures, the weights and measures of the metric system.

Measures of length.

Measures of Length.

| Metric denominations and values. | Equivalents in denominations in use. |
|--|--|
| Myriameter, 10,000 meters. | 6.2137 miles. |
| Kilometer, 1,000 meters. | 0.62137 mile, or 3,280 feet 10 inches. |
| Heetometer, 100 meters. | 328 feet 1 inch. |
| Dekameter, 10 meters. | 393.7 inches. |
| Meter, 1 meter. | 39.37 inches. |
| Decimeter, 1-10 of a meter. | 3.937 inches. |
| Centimeter, 1-100 of a meter. | 0.3937 inch. |
| Millimeter, 1-1000 of a meter. | 0.0394 inch. |

Measures of surface.

Measures of Surface.

| Metric denominations and values. | Equivalents in denominations in use. |
|---|--------------------------------------|
| Heectare, 10,000 square meters. | 2.471 acres. |
| Arc, 100 square meters. | 119.6 square yards. |
| Centare, 1 square meter. | 1550 square inches. |

Measures of Capacity.

Measures of capacity.

| Metric denominations and values. | | | Equivalents in denominations in use. | |
|----------------------------------|-------------------|----------------------------|--------------------------------------|-------------------------|
| Names. | Number of Liters. | Cubic measure. | Dry measure. | Liquid or wine measure. |
| Kiloliter or Stere, | 1,000 | 1 cubic meter. | 1.308 cubic yards. | 264.17 gallons. |
| Hectoliter, . | 100 | 1-10 of a cubic meter. | 2 bush. and 3.35 pecks. | 26.417 gallons. |
| Dekaliter, . | 10 | 10 cubic decimeters. | 9.08 quarts. | 2.6417 gallons. |
| Liter, . . | 1 | 1 cubic decimeter. | 0.908 quart. | 1.0567 quarts. |
| Deciliter, . | 1-10 | 1-10 of a cubic decimeter. | 6.1022 cubic inches. | 0.845 gill. |
| Centiliter, . | 1-100 | 10 cubic centimeters. | 0.6102 cubic inch. | 0.338 fluid ounce. |
| Milliliter, . | 1-1000 | 1 cubic centimeter. | 0.061 cubic inch. | 0.27 fluid dram. |

Weights.

Weights.

| Metric denominations and values. | | | Equivalents in denominations in use. |
|----------------------------------|------------------|--|--------------------------------------|
| Names. | Number of Grams. | Weight of what quantity of water at maximum density. | Avoirdupois weight. |
| Millier or Tonneau, . | 1,000,000 | 1 cubic meter. | 2204.6 pounds. |
| Quintal, . . . | 100,000 | 1 hectoliter. | 220.46 pounds. |
| Myriagram, . . . | 10,000 | 10 liters. | 22.046 pounds. |
| Kilogram or Kilo, . | 1,000 | 1 liter. | 2.2046 pounds. |
| Hectogram, . . . | 100 | 1 decaliter. | 3.5274 ounces. |
| Dekagram, . . . | 10 | 10 cubic centimeters. | 0.3527 ounce. |
| Gram, | 1 | 1 cubic centimeter. | 15.432 grains. |
| Decigram, | 1-10 | 1-10 of a cubic centimeter. | 1.5432 grains. |
| Centigram, | 1-100 | 10 cubic millimeters. | 0.1543 grain. |
| Milligram, | 1-1000 | 1 cubic millimeter. | 0.0154 grain. |

SECTION 3. The treasurer is hereby authorized and directed to procure duplicate sets of the metric weights and measures, conformable to the standards now in the treasury; of which two sets shall be retained for the use of the treasurer and his deputy, and from which there shall be furnished one set to the treasurer of each shire town and of each city not a shire town in the several counties of the Commonwealth.

Treasurer to procure duplicate sets of the metric weights and measures.

Duties of treasurer of Commonwealth and of treasurers of towns.

SECTION 4. The duties of the treasurer of the Commonwealth and his deputy, and the duties and responsibilities of the treasurer of each town, with respect to the keeping, care, verification and use of the standard weights and measures so furnished, shall be the same with those established by existing statutes with respect to the standard weights and measures heretofore provided. And it is hereby provided that no town in which there may be two or more sealers of weights and measures shall for that reason be required to procure additional sets of the metric weights and measures.

Deputy treasurer to seal metric weights and measures.

SECTION 5. The deputy of the treasurer shall verify, adjust and seal all metric weights and measures that may be brought to him for that purpose, and he shall receive a reasonable compensation therefor. The sealer of weights and measures in each town that shall receive the standard metric weights and measures as hereinbefore provided, shall verify, adjust and seal all metric weights and measures that may be brought to him for that purpose from within the county in which such town is situated, and he shall receive a reasonable compensation therefor; but he shall claim no fees for any sealing, verification or adjustment, for the performance of which he may otherwise receive compensation by salary paid by the town.

Sealers of weights and measures in towns.

Persons using metric weights and measures to have them sealed and adjusted.

SECTION 6. All persons using weights or measures of the metric system for the purpose of selling any goods, wares, merchandise or other commodities shall have them adjusted, sealed and recorded by some authorized sealer of weights and measures and shall thereafter be responsible for the correctness and exactness of the same; and no person using illegally or fraudulently the metric weights or measures shall thereby be freed from any liabilities or penalties to which he would have been exposed in case the weights and measures employed had been the ordinary weights and measures heretofore and now in use in this Commonwealth.

Appropriation.

SECTION 7. The expense incurred in carrying out the provisions of this act shall not exceed twelve hundred dollars; which sum is hereby appropriated.

Repeal.

SECTION 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT CONCERNING THE OVERSEERS OF THE POOR OF THE CITY OF CAMBRIDGE. *Chap. 41.*

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Cambridge shall, in the month of April in the current year, in joint convention, elect by ballot five persons, one at least from among the residents of each of the present representative districts of said city, to be overseers of the poor in said city, one person for one year, one person for two years, one person for three years, one person for four years and one person for five years; and said council shall annually thereafter, in the month of April in like manner, elect one person to serve for five years. These persons so chosen shall, together with the mayor, who shall *ex officio* be chairman of the board, constitute the board of overseers of the poor in said city of Cambridge.

Overseers of the poor in city of Cambridge.

SECTION 2. The members of said board shall enter upon their duties on the first Monday of May, next after their election, and hold office until others are elected and qualified in their stead; vacancies from any cause shall forthwith be filled by the city council in the same manner, and the person elected to fill any vacancy shall hold office during the unexpired term of the member who has ceased to hold office and until another is chosen and qualified in his stead.

To hold office until others are elected and qualified.

Vacancies.

SECTION 3. Said board shall annually on the first Monday of May meet and organize and shall choose such subordinate officers and agents as they may deem expedient, and define their duties and fix their salaries, but no member of the board shall be eligible to be chosen by said board to any position of emolument.

Organization.

SECTION 4. Said overseers shall render such accounts and reports of their expenditures, acts and doings as may be required by the city council.

To render account of expenditures.

SECTION 5. The present overseers of the poor in the city of Cambridge shall hold office until others are elected and qualified under the provisions of this act and no longer.

Present overseers to hold office until others are elected.

SECTION 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Cambridge, by concurrent vote: *provided*, the same shall be accepted within sixty days from the date of its passage.

Subject to acceptance by city council.

Approved March 10, 1877.

Chap. 42. AN ACT TO PRESERVE THE EEL FISHERIES IN HERRING RIVER AND ITS TRIBUTARIES IN THE TOWN OF WELLFLEET.

Be it enacted, &c., as follows :

Eels not to be taken other than by spear or hook and line.

SECTION 1. Whoever takes, catches or destroys any eels in Herring River or its tributaries in the town of Wellfleet, in the county of Barnstable, in any other manner than by spear or hook and line, shall forfeit for every eel so taken not less than one dollar, nor more than five dollars ; one-half of said fine to be paid to the complainant.

Penalty for obstructing free passage of eels.

SECTION 2. Whoever wilfully places any obstruction or otherwise interferes with the free passage of eels in said river or its tributaries shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence.

Recovery of fines and penalties.

SECTION 3. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1877.

Chap. 43. AN ACT IN RELATION TO THE REBUILDING, REPAIRING AND MAINTAINING OF DIKES AND WORKS CONNECTED THEREWITH, IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, &c., as follows :

Expenses of changing course of river to be borne by West Springfield.
1872, 132.

SECTION 1. All the costs and expenses incurred in changing the course and channel of the Agawam River, and all other expenses incurred under the authority of chapter one hundred and thirty-two of the acts of the year eighteen hundred and seventy-two, shall be paid and borne by the town of West Springfield.

Expense of maintaining channel to be borne by West Springfield.
1868, 80.

SECTION 2. The expense of maintaining the said channel and other works or structures now built or erected, or which may be hereafter built or erected by the authority of said act of the year eighteen hundred and seventy-two, together with the expense of rebuilding, repairing and maintaining the dikes in said town of West Springfield, erected by authority of chapter eighty of the acts of the year eighteen hundred and sixty-eight, shall hereafter be borne and paid by said town of West Springfield.

Repeal.
1868, 80.
1872, 132.

SECTION 3. So much of chapter eighty of the acts of the year eighteen hundred and sixty-eight, and of chapter one hundred and thirty-two of the acts of the year eighteen hundred and seventy-two as is inconsistent herewith, and all other acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF A BRIDGE *Chap. 44.*
OVER THE EAST BRANCH OF WESTPORT RIVER.

Be it enacted, &c., as follows :

SECTION 1. The powers granted by chapter one hundred and twelve of the acts of the year eighteen hundred and seventy-two are hereby continued for a period of five years from and after the eighteenth day of March in the year eighteen hundred and seventy-seven.

Time for construction of bridge extended.
1872, 112.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT TO AUTHORIZE THE DISCONTINUANCE OF THE "OLD VILLAGE BURYING-GROUND" IN THE TOWN OF WEST STOCKBRIDGE, AND THE TAKING OF THE LAND OF SAID BURYING-GROUND FOR SCHOOL PURPOSES. *Chap. 45.*

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of school district number six, in the town of West Stockbridge in the county of Berkshire, are hereby authorized, at the expense of said school district, and under the direction of the building committee of said school district, and with the consent of the selectmen of said town, to remove the remains of the dead and the monuments and tombstones now remaining in the "Old Village Burying-Ground," so called, situate in the village of West Stockbridge and bounded as follows, to wit :—northerly by land held by the deacons of the Congregational Church of said village and known as "the parsonage lot," east by the highway known as State Street, south by land of George W. Kniffin, and west by the school-house lot of said school district, to the public cemetery of said town known as the "Village Cemetery," or to such of the other public cemeteries of said town as may be designated in any case by the relatives of any person whose remains are to be removed ; or said relatives may re-inter such remains in any other place, and said school district shall cause the remains removed to any of the public cemeteries of said town to be decently re-interred, and the monuments and tombstones to be properly set up anew.

Land of burying ground in West Stockbridge may be taken for school purposes.

SECTION 2. When the remains, monuments and tombstones have been removed from said burying-ground as provided in the preceding section, the use of said ground as a burying-ground shall be discontinued, and said school district may take the land thereof for the use and purpose of enlarging their present school-house lot. Said school

When remains of dead, etc., are removed, land may be taken.

Description of
land to be filed
in office of reg-
ister of deeds.

district shall cause a certificate containing a description of said land sufficient for identification, with a reference to this act, to be filed and recorded in the office of the register of deeds of the southern district of said county, on or before the first day of June next, which certificate may be signed by the building committee and treasurer of said school district, and thereupon the title to the land described in said certificate shall become vested in said school district.

Damages to be
assessed by
selectmen.

SECTION 3. If damage is sustained by any person in his property by reason of anything done under the provisions of the first and second sections of this act, he shall receive compensation therefor, from said school district, to be ascertained and appraised by the selectmen of said town in the manner provided for appraising damages caused by laying out town ways, and any person aggrieved by the award of said selectmen shall have the same remedy as is provided by section thirty-nine of chapter thirty-eight of the General Statutes, and according to the course of proceeding provided thereby.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1877.

Chap. 46. AN ACT TO CONFIRM CERTAIN ACTS DONE BY CHARLES C. DILLINGHAM
AS CORONER.

Be it enacted, &c., as follows:

Acts done by
Chas. C. Dilling-
ham, as coroner,
confirmed.

SECTION 1. All acts done by Charles C. Dillingham of Fall River, as coroner within and for the county of Bristol, between the seventeenth day of July and the twenty-third day of August in the year eighteen hundred and seventy-six, are hereby confirmed and made valid to the same extent as they would have been valid had he been duly qualified to discharge the duties of said office during said interval.

SECTION 2. This act shall take effect upon its passage,

Approved March 10, 1877.

Chap. 47. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE
THE TRUSTEES OF THE PUNCHARD FREE SCHOOL IN THE TOWN
OF ANDOVER."

Be it enacted, &c., as follows:

Trustees to be
elected at an-
nual meeting for
election of town
officers.

SECTION 1. The third section of the act to incorporate the trustees of the Punchard Free School in the town of Andover, approved on the twenty-sixth day of February in the year one thousand eight hundred and fifty-one, is hereby so amended that the election of trustees by said

town shall be held at the annual meeting for the election of town officers in said town once in three years, instead of on the first Monday of April once in three years, as therein provided.

SECTION 2. The next regular election of said trustees shall be held at the annual meeting for the election of town officers on the first Monday of March next.

Next election of trustees to be held on first Monday of March, 1878.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT TO CHANGE THE NAME OF THE EAST ABINGTON BAPTIST SOCIETY.

Chap. 48.

Be it enacted, &c., as follows:

SECTION 1. The East Abington Baptist Society shall be called and known as the Rockland Baptist Society.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1877.

AN ACT TO AMEND THE CHARTER OF THE LAWRENCE GAS COMPANY.

Chap. 49.

Be it enacted, &c., as follows:

SECTION 1. The act to incorporate the Lawrence Gas Company, chapter seventeen of the acts of the year eighteen hundred and forty-nine, is hereby amended as follows:

Lawrence Gas Company may extend pipes through towns of Andover, North Andover and Methuen.

Said Lawrence Gas Company in addition to the rights now possessed by it shall have the right to extend its mains and distributing pipes into and through the towns of Andover, North Andover and Methuen in the county of Essex, and to construct, erect and maintain such buildings and works in said towns as may be necessary and convenient for the manufacture, supply and delivery of illuminating gas to the inhabitants of said towns, subject to all the duties, restrictions and liabilities of the act of incorporation of said company.

SECTION 2. Said corporation with the consent of the selectmen of the said several towns shall have power and authority to open the ground in any part of the streets, lanes and highways in said towns for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purposes aforesaid, and the said corporation after opening the ground in said streets, lanes and highways shall be held to put the same in as good repair as when opened, and upon failure to do so within a reasonable time shall be deemed guilty of a nuisance.

May open ground in streets, etc., with consent of selectmen.

SECTION 3. The selectmen of the said several towns shall have the power to regulate and control the acts

Selectmen of towns to have control of cor-

poration in laying pipes, etc.

of said corporation in the matter of laying and repairing the pipes in said streets, lanes and highways, so that such acts shall not endanger the health or safety of the inhabitants of said towns.

Approved March 10, 1877.

Chap. 50. AN ACT TO INCORPORATE THE SOUTH BAY IMPROVEMENT COMPANY AND TO PROVIDE FOR THE MERGING OF THE SOUTH COVE CORPORATION AND THE SOUTH BAY COMPANY IN SAID FIRST NAMED CORPORATION.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. George W. Tuxbury, Uriel Crocker, B. W. Nichols, A. D. Williams, Charles Deane and Uriel H. Crocker, their associates and successors, are made a corporation by the name of the South Bay Improvement Company, with power to purchase, hold, improve and sell, mortgage, or lease land and flats in and near the "South Bay," so called, in the city of Boston, to an amount not exceeding one hundred and fifty acres.

May sell land, etc.

Powers and duties.

SECTION 2. Said corporation shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions which like corporations now have or are subject to, or which they may hereafter have or be subject to under general laws.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed one million of dollars, and no shares shall be issued except upon the actual payment of the par value thereof in cash, or upon the conveyance in fee to said corporation of lands or flats which it is entitled to hold under the first section: *provided, however*, that the average price at which lands and flats shall have been taken by said corporation in payment for its stock shall at no time exceed twenty-five cents per square foot.

Proviso.

South Cove Corporation and South Bay Company may sell lands and flats to new corporation.

SECTION 4. The South Cove Corporation and the South Bay Company are respectively authorized, upon votes of their stockholders to that effect passed at meetings duly notified for the purpose, to convey any portion or the whole of their lands and flats lying in or near the said South Bay, to said South Bay Improvement Company, and to receive in payment therefor stock in said last named company, subject however to the provisions contained in the preceding section.

Approved March 10, 1877.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING *Chap. 51.*
THE MASSACHUSETTS CENTRAL RAILROAD.

Be it enacted, &c., as follows:

The time within which the Massachusetts Central Railroad Company may locate and construct its railroad is hereby extended to the first day of May in the year one thousand eight hundred and seventy-nine.

Time for
location and
construction
extended.

Approved March 10, 1877.

AN ACT TO AMEND THE CHARTER OF THE COTTON AND WOOLEN *Chap. 52.*
MANUFACTURERS MUTUAL INSURANCE COMPANY OF NEW ENGLAND.

Be it enacted, &c., as follows:

SECTION 1. The Cotton and Woolen Manufacturers Mutual Insurance Company of New England is authorized to issue policies of insurance against loss or damage by fire upon other kinds of property, real and personal, in addition to the class named in the charter of said corporation.

May issue
policies upon
property other
than that named
in charter.

SECTION 2. This act shall take effect upon its acceptance by a majority of the members present and voting at a meeting of said corporation legally called for such purpose.

Subject to
acceptance by
members of
corporation.

Approved March 10, 1877.

AN ACT TO INCORPORATE THE BOSTON SCHOOL COMMITTEE. *Chap. 53.*
Be it enacted, &c., as follows:

SECTION 1. The school committee of the city of Boston for the time being, is hereby made a corporation by the name of The School Committee of the City of Boston, and said committee and its successors in office elected according to law in said city shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

School commit-
tee of the city
of Boston in-
corporated.

SECTION 2. Said corporation shall have authority to receive and hold all sums of money, and real and personal estate not exceeding in the aggregate the value of two hundred thousand dollars, which money may be given, granted, bequeathed or devised to it for the benefit of the teachers in the public schools of the city of Boston, or their families, requiring charitable assistance, or for the benefit of any persons or the families of any persons who have formerly been such teachers, requiring charitable assist-

Real and per-
sonal estate.

ance. It shall have power to manage and dispose of the same according to its best discretion and to execute any and all trusts according to the tenor thereof which may be created for the purposes aforesaid.

Charlestown
School Trust
Fund.

SECTION 3. Said corporation shall likewise be entitled to receive from the members of the school committee within the present limits of that part of the city of Boston which was formerly the city of Charlestown, the fund known as the Charlestown School Trust Fund, and shall hereafter manage said fund and disburse the income thereof within the limits of the former city of Charlestown according to the tenor of the instruments creating said trust.

Approved March 13, 1877.

Chap. 54. AN ACT TO CONFIRM CERTAIN ACTS DONE BY EDWARD G. FROTHINGHAM AS A JUSTICE OF THE PEACE.

Be it enacted, &c., as follows :

Acts confirmed
and made valid.

SECTION 1. All acts done by Edward G. Frothingham, as a justice of the peace, within and for the county of Essex, between the sixteenth day of May eighteen hundred and seventy-four and the twentieth day of October eighteen hundred and seventy-six, are made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1877.

Chap. 55. AN ACT TO INCORPORATE THE ADAMS NERVINE ASYLUM.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John N. Barbour, James C. Davis, Aquila Adams, Emory Washburn, Alpheus Hardy, Samuel Eliot, Charles H. Dalton, James B. Thayer, William Claflin, John E. Tyler, Amor L. Hollingsworth, James Longley, Samuel A. Green, Robert Willard, Caleb William Loring, Samuel D. Warren, Rufus Ellis, Joseph Burnett, Solomon B. Stebbins, Charles F. Choate, their associates and successors, are hereby made a corporation by the name of the Adams Nervine Asylum, for the purpose of establishing and maintaining a hospital to afford care and relief to indigent, debilitated and nervous persons, inhabitants of this Commonwealth, who are not insane and who may be in need of the benefit of a curative institution; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws

Name and
purpose.

which now are or may hereafter be in force and applicable to such corporations.

SECTION 2. Said corporation shall have authority to receive, hold and disburse the income of the fund bequeathed for the purposes for which the said corporation is created by the will of Seth Adams, late of Newton, deceased, and any other donations or bequests which may be made for its benefit, and may hold for the purposes aforesaid real and personal estate to an amount not exceeding three hundred thousand dollars.

May hold fund bequeathed for the purpose, etc.

SECTION 3. The members of said corporation shall consist of the trustees under the residuary clause of the will of the said Seth Adams, and their successors, and the persons associated with them in this act of incorporation, of such persons as may at any legal meeting of the corporation be elected members by ballot, of such persons as shall, with the consent of the board of managers hereinafter referred to first obtained, pay to the said trustees as an addition to the fund held by them for the use of the corporation, the sum of one hundred dollars or more each, and also of such persons as shall, with the consent of the said board of managers first obtained, pay into the said fund the sum of twenty-five dollars each, as an initiation fee, and shall thereafter pay and continue to pay into said fund annually in advance the sum of three dollars each; the said last mentioned persons to be members while they shall continue the said annual payment and no longer.

Members of corporation.

SECTION 4. The officers of said corporation shall consist of the trustees under the will of the said Seth Adams, and their successors, a president, a vice-president, a treasurer, a secretary, a physician, a board of not less than nine managers, of which the president, vice-president, treasurer and trustees shall be members, and three supervisors, who shall examine the affairs of said corporation as often as once in three months, and report the general result of such examination annually in two of the leading newspapers of Boston. All the said officers except the said trustees, shall be annually elected by ballot at meetings duly called for the purpose, and whenever a trustee shall die, resign, or become incompetent to discharge the duties of his trust, a successor shall be elected by ballot at a meeting of the corporation duly called for the purpose; but no person so elected shall have power or authority to

Officers of corporation.

Annual report.

act as a trustee until approved as such by the judge of probate for the county of Middlesex.

Institution to be established in Boston or vicinity.

SECTION 5. The said institution shall be established in one of the parts of Boston formerly called Roxbury, West Roxbury and Brighton, in Brookline, in Newton or in Watertown, and shall be conducted and managed in accordance with the provisions of the will of the said Seth Adams, and with such by-laws as may be adopted by the corporation, not inconsistent therewith.

May receive and care for, for a compensation, persons who are not indigent.

SECTION 6. The said corporation shall have authority to receive and care for persons not indigent, who may be otherwise suitable for treatment in its institution, at the discretion of its board of managers, but shall require the payment to the corporation by such persons of reasonable compensation therefor, the amount of which shall be determined by the managers.

SECTION 7. This act shall take effect upon its passage.

Approved March 16, 1877.

Chap. 56. AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, RELATING TO THE BUTCHERS' SLAUGHTERING AND MELTING ASSOCIATION.

Be it enacted, &c., as follows:

Amendment to 1876, 144.

Section two of chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-six is hereby amended by adding thereto the following words:— And whoever violates the provisions of this section shall be punished by a fine not exceeding five hundred dollars.

Approved March 16, 1877.

Chap. 57. AN ACT TO FACILITATE PROCEEDINGS AGAINST CORPORATIONS FOR NOT MAKING RETURNS UNDER CHAPTER TWO HUNDRED AND TWENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY.

Be it enacted, &c., as follows:

Returns by corporations. 1870, 224, § 60.

SECTION 1. Section sixty of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy is hereby amended by striking out the clause beginning with the words "and such corporation shall also be enjoined," and ending with the words "during the continuance of such neglect," and substituting in place thereof the following:—"and all sums forfeited by a corporation under this act or any act amending this act may also be collected by information in equity brought in the

supreme judicial court, in the name of the attorney-general, at the relation of the commissioner of corporations, and upon such information the court may issue an injunction restraining the further prosecution of the business of the corporation named therein until said sums forfeited as aforesaid are paid, together with interest and the costs of the information, and until the returns required by this act and any act amending this act are made."

SECTION 2. All informations brought under the provisions of this act may be brought in the county of Suffolk. Informations may be brought in Suffolk.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1877.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE, RELATIVE TO HIGHWAY TAX. *Chap. 58.*

Be it enacted, &c., as follows:

Chapter two hundred and ninety-eight of the acts of the year eighteen hundred and seventy-one, relative to highway tax, is hereby amended by adding to the second section of said chapter, the following words:—"and the said sums so voted shall be carefully and judiciously expended by the surveyors of highways, each in his own district, when the town is divided into highway districts, and in all cases under the direction of the selectmen or by the road commissioners, in making and repairing said ways." Highway tax. 1871, 298, § 2.

Approved March 16, 1877.

AN ACT TO CHANGE CERTAIN HARBOR LINES IN CAPE COD HARBOR IN PROVINCETOWN. *Chap. 59.*

Be it enacted, &c., as follows:

SECTION 1. Section two of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-seven which defines the harbor lines in Cape Cod Harbor is hereby repealed, and in place of those lines the following harbor lines are established. Harbor lines established.

SECTION 2. The harbor line begins at a point in said Cape Cod Harbor distant seven hundred and ten feet due north from the centre of Long Point light-house, and runs south-westerly in a straight line five hundred and fifty feet to a point distant four hundred feet north-westerly from the centre of said light-house; thence south-westerly on an arc of a circle of two thousand five hundred and forty-five feet radius, a distance of nine hundred and eighty-five feet; thence south-westerly a little more west- Description of lines.

Description of
harbor lines.

erly in a straight line one thousand two hundred and thirty-five feet to a point distant nine hundred and ninety feet north-westerly from monument A; thence south-westerly, westerly and north-westerly on an arc of a circle of one thousand one hundred and forty feet radius, a distance of one thousand four hundred and forty feet; thence north-westerly, northerly and north-easterly on an arc of a circle of three thousand seven hundred and seventy-five feet radius, a distance of five thousand three hundred and eighty feet to a point in the range from Long Point light-house to monument B, near the southerly side of Main Street and the head of Central Wharf and distant two thousand one hundred and fifty-eight feet south-easterly therefrom; thence north-easterly and easterly on an arc of a circle of nine thousand nine hundred and thirty-three feet radius, a distance of ten thousand one hundred and seventy-five feet to a point in the range from Long Point light-house to monument C, near the north-westerly end of the old highway bridge crossing East Harbor, and distant south-westerly three thousand four hundred and sixty-five feet therefrom.

The above-mentioned monuments, marked respectively A, B, C, are granite posts and have the letters H. L. inscribed thereon.

Approved March 16, 1877.

Chap. 60. AN ACT TO AMEND SECTION SIX OF CHAPTER THREE HUNDRED AND FORTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, FOR THE MORE EFFECTUAL PREVENTION OF CRUELTY TO ANIMALS.

Be it enacted, &c., as follows:

Prevention of
cruelty to
animals.
1869, 344, § 6.

SECTION 1. Section six of chapter three hundred and forty-four of the acts of the year eighteen hundred and sixty-nine is hereby amended by adding the words "and birds" after the word "creatures" in the second line of said section.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1877.

Chap. 61. AN ACT CONCERNING FOREIGN LIFE INSURANCE COMPANIES.

Be it enacted, &c., as follows:

Foreign life
insurance
companies.
1861, 186.

SECTION 1. The provisions of chapter one hundred and eighty-six of the acts of the year eighteen hundred and sixty-one shall not apply to life insurance companies created by the laws of other states or countries, legally transacting business in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1877.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE HINGHAM CEMETERY TO TAKE AND HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 62.

Be it enacted, &c., as follows :

SECTION 1. The proprietors of the Hingham Cemetery, incorporated by chapter twenty of the acts of the year one thousand eight hundred and thirty-eight, are hereby authorized to take and hold for the purposes for which they were incorporated real estate including what they are now authorized to hold to an amount not exceeding twenty acres, and personal estate to an amount not exceeding twenty-five thousand dollars.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1877.

AN ACT TO AUTHORIZE THE PLYMOUTH SOCIETY IN FRAMINGHAM * TO HOLD REAL ESTATE FOR THE PURPOSES OF A PARSONAGE.

Chap. 63.

Be it enacted, &c., as follows :

SECTION 1. The Plymouth Society in Framingham is hereby authorized to hold real estate in Framingham for the purposes of a parsonage to an amount not exceeding fifteen thousand dollars.

May hold real estate for a parsonage.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1877.

AN ACT TO EXTEND THE TIME FOR SETTLING AND CLOSING UP THE BUSINESS AFFAIRS OF THE CENTRAL MUTUAL FIRE INSURANCE COMPANY OF WORCESTER.

Chap. 64.

Be it enacted, &c., as follows :

SECTION 1. The time for settling and closing up the business affairs of the Central Mutual Fire Insurance Company of Worcester is hereby extended until the first day of June in the year one thousand eight hundred and seventy-eight.

Time extended for closing business affairs.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1877.

AN ACT TO REPEAL SECTION THREE OF CHAPTER THREE HUNDRED THIRTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED SEVENTY-TWO INCORPORATING THE STANDISH MONUMENT ASSOCIATION.

Chap. 65.

Be it enacted, &c., as follows :

Section three of chapter three hundred thirty-eight of the acts of the year eighteen hundred seventy-two, is hereby repealed.

Repeal of 1872, 338, § 3.

Approved March 19, 1877.

Chap. 66. AN ACT CONCERNING THE TAKING OF EELS IN CERTAIN WATERS IN THE TOWN OF MATTAPOISETT.

Be it enacted, &c., as follows :

Eel fisheries in
Mattapoissett
River.

SECTION 1. Whoever takes, catches or destroys any eels in Mattapoissett River or its tributaries, in the town of Mattapoissett in the county of Plymouth, from the bridge at Town Mills to Mattapoissett Harbor, or in Barlow's Pond or its tributaries, in said town, or in its outlet to the harbor, in any other manner than by spear or hook and line, shall forfeit for every eel so taken not less than one dollar nor more than five dollars ; one-half of said fine to be paid to the complainant.

Penalties.

SECTION 2. All fines or penalties for violating this act, with costs, may be recovered in any court competent to try the same.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1877.

Chap. 67. AN ACT AUTHORIZING MANUFACTURING AND OTHER CORPORATIONS TO CHANGE THEIR LOCATIONS.

Be it enacted, &c., as follows :

Manufacturing
corporations
may change
their locations.

Whenever any corporation shall have been organized under any general law, or created by special charter, for the purpose of carrying on any mechanical or manufacturing business in or within any city or town named in its organization or charter, such corporation may extend or remove its business or any part thereof to any other city or town within this Commonwealth, and may purchase, hold and convey so much real and personal estate in such other city or town as may be necessary for the purpose of carrying on its business therein. *Approved March 19, 1877.*

Chap. 68. AN ACT AUTHORIZING THE SUPERIOR COURT TO HOLD SESSIONS BY ADJOURNMENT AT FALL RIVER, IN THE COUNTY OF BRISTOL.

Be it enacted, &c., as follows :

Superior court
may hold ses-
sions by ad-
journment in
Fall River.

SECTION 1. The justices holding the respective terms of the superior court in and for the county of Bristol, shall have the same power to adjourn any of the established terms of said court for said county, from either Taunton or New Bedford to Fall River, as they now have to adjourn from one shire town to another ; any adjournment so made shall have the same effect as if made from one shire town to another, and shall be subject to all the provisions of law relating to adjournments from one shire town to

another. The county commissioners of said county are hereby authorized and directed to provide a suitable place at Fall River for holding said adjourned terms.

Commissioners
to provide place
for holding
court.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1877.

AN ACT ENABLING TOWNS TO TAKE LAND FOR BURIAL-GROUNDS.

Chap. 69.

Be it enacted, &c., as follows :

SECTION 1. When there is a necessity for a new burial-ground in any town, or for the enlargement of any burial-ground already existing in and belonging to a town, and the owner or any person interested in the land needed for either purpose refuses to sell the same, or demands therefor a price deemed by the selectmen of said town unreasonable, or is unable for any reason to convey the land, said selectmen may, with the approbation of the town, make application therefor by written petition to the commissioners of the county wherein the land is situated.

Town may
apply to county
commissioners
for land for
burial-grounds.

SECTION 2. The commissioners shall appoint a time and place for a hearing, and shall cause notice thereof, together with a copy of said petition, to be served personally upon the land owner or owners, or left at his or their place or places of abode fourteen days at least before the time appointed for the hearing. If the land be held in trust or by a corporation, or the ownership be uncertain, the commissioners shall also require notice, by public advertisement or otherwise, as justice to all persons interested shall seem to them to require.

Commissioners
to appoint time
and place for a
hearing, and
give notice
thereof.

SECTION 3. The commissioners shall hear the parties at the time and place appointed, or at an adjournment thereof; and as soon as may be after the hearing shall consider and adjudicate upon the necessity of such taking, and upon the quantity, boundaries, damages and value of the land adjudged necessary to be taken, and shall forthwith file a description of such land with a plan thereof in the registry of deeds of the county and district wherein such land lies, and thereupon such land shall be taken and held in fee by the town as a burial-ground or as part of the burial-ground of such town.

To file in regis-
try of deeds a
description of
land adjudged
necessary to be
taken.

Damages.

SECTION 4. Each commissioner shall be paid by the town three dollars per day for each day spent in acting under the petition, and five cents a mile for travel to and from the place of hearing.

Compensation of
commissioners.

Parties aggrieved may have damages assessed by a jury.

SECTION 5. When the owner or owners of the land, or any person in interest, is aggrieved by the award of damages, he or they may, upon application therefor within one year, have the matter of the complaint determined by a jury, as in the case of assessment of damages for highways, and all proceedings shall be conducted as in such case is provided. If the sum allowed for damages, including the value of the land, is increased by the jury, the sum so allowed by the jury, and all charges, shall be paid by the town; otherwise the charges arising upon such application for a jury shall be paid by the applicant. The applicant for a jury shall enter into a recognizance in such sum and with such surety as the commissioners shall order for the payment of such charges.

Repeal of 1866, 112.

SECTION 6. Chapter one hundred and twelve of the acts of the year eighteen hundred and sixty-six is hereby repealed, but this repeal shall not affect any proceedings pending under said chapter.

Towns may grant money for embellishment of cemeteries.

SECTION 7. Towns may grant and vote such sums as they may judge necessary for inclosing any cemetery or burial-ground provided by them according to law, or to construct paths and avenues and to embellish the grounds in the same, and they may establish all necessary rules in relation to such cemeteries or burial-grounds as are not repugnant to the laws of the Commonwealth. Towns may lay out any such cemetery or burial-ground into lots or subdivisions for burial-places, as they may think proper, but they shall set apart a suitable portion as a public burial-place for the use of the inhabitants, free of charge therefor. Towns may sell and convey to any persons, whether residents of the town or otherwise, the exclusive right of burial and of erecting tombs and cenotaphs upon any lot, and of ornamenting the same, upon such terms, conditions and regulations as they shall prescribe, and the proceeds of such sales in any cemetery or burial-ground shall be paid into the town treasury, be kept separate and apart from other funds, and be appropriated to reimburse the town for the cost of land or for the improvement and embellishment of such cemetery or burial-ground.

To set apart a suitable portion as a public burial-place. May sell lots, etc.

SECTION 8. This act shall take effect upon its passage.

Approved March 19, 1877.

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO ISSUE ADDITIONAL WATER SCRIP, AND TO LIMIT THE AMOUNT THEREOF. *Chap. 70.*

Be it enacted, &c., as follows:

SECTION 1. The city of Taunton, for purposes mentioned in the fifth section of chapter two hundred and seventeen of the acts of the year one thousand eight hundred and seventy-five, may issue notes, scrip or certificates of debt, to be denominated on the face thereof "Taunton Water Loan," to an amount not exceeding fifty thousand dollars in addition to the amount authorized by said chapter, to be issued upon like terms and conditions and with like powers in all respects as are provided in said chapter two hundred and seventeen for the issue of bonds of said city: *provided*, that the whole amount of such water scrip, bonds, notes, or certificates issued by said city under the authority given by this act and by all other acts shall not in any event exceed the amount of two hundred and fifty thousand dollars.

May issue additional water scrip.

Not to exceed, in the whole, \$250,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1877.

AN ACT TO AUTHORIZE THE STOUGHTON STREET BAPTIST CHURCH IN BOSTON TO MORTGAGE ITS PROPERTY; AND TO CONFIRM THE DOINGS OF THE NORTH BAPTIST SOCIETY IN DORCHESTER. *Chap. 71.*

Be it enacted, &c., as follows:

SECTION 1. The Stoughton Street Baptist Church in Boston is hereby authorized to direct the trustees for the time being holding the property occupied and used by the aforesaid church, to mortgage said property for any purposes whatever incident to the support and maintenance of public worship by said church, and to pay any assessments which have heretofore been made, or may hereafter be made by the city of Boston for any public improvements benefiting said property: *provided, however*, that the vote directing said mortgage to be made shall be given only by those persons authorized in the deed of the North Baptist Society in Dorchester to the trustees therein named, which deed is recorded with Suffolk county deeds in Boston, book one thousand and sixty-six, page two hundred and ninety-seven; and *provided, further*, that any mortgage or mortgages authorized as aforesaid shall not be for a larger amount than that allowed by the aforesaid deed.

May mortgage church property and pay assessments thereon.

Proviso.

SECTION 2. All proceedings of the aforesaid North Baptist Society in Dorchester, at or by authority of all its meetings held from March fifth in the year eighteen hun-

Proceedings confirmed.

dred and fifty-nine to June sixth in the year eighteen hundred and seventy, as now recorded in the records of said society, are hereby ratified, fully established and confirmed, as the legal acts, doings and records of said society, any defects or informalities therein to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1877.

Chap. 72. AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO CONSTRUCT A BRIDGE ACROSS TAUNTON GREAT RIVER.

Be it enacted, &c., as follows :

May construct a bridge across Taunton Great River.

SECTION 1. The city of Taunton is hereby authorized to construct and maintain a safe and convenient bridge across Taunton Great River, from a point at or near Dean's Wharf, situated on Dean Street in said city, to a point opposite or nearly opposite on the south bank of said river. And the said city of Taunton is further authorized to do such other acts as it may deem necessary, expedient or convenient in the premises, to secure a bridge which shall safely and conveniently accommodate public travel and navigation : subject, however, to the provisions of chapter four hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine.

May take land, etc.

SECTION 2. Said city may take such land, wharf or structure, as it may deem necessary to secure and accomplish the objects and purposes of the preceding section, and all damages to private property, or for land taken under this act, shall be ascertained as provided in chapter forty-three of the General Statutes, when land is taken for highways.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1877.

Chap. 73. AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO RAISE ADDITIONAL FUNDS TO EXTEND AND COMPLETE ITS WATER WORKS.

Be it enacted, &c., as follows :

May raise money to complete water-works.

SECTION 1. The town of Concord is hereby authorized, for the purposes named in chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, to raise by taxation, or by borrowing from time to time, an amount not exceeding fifty thousand dollars in addition to the amount therein authorized, upon like terms

and conditions and with like powers in all respects as are provided in said act for the raising of money.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1877.

AN ACT RELATING TO THE CIVIL TERMS OF THE POLICE COURT OF HAVERHILL. *Chap. 74.*

Be it enacted, &c., as follows:

SECTION 1. The police court of Haverhill shall be held for civil business on the first and third Wednesdays of each month, and on such other days as the justice of the court shall determine. Terms for civil business.

SECTION 2. Chapter eighty of the acts of the year eighteen hundred and seventy is hereby repealed.

Approved March 26, 1877.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, RELATING TO THE PRESERVATION OF LOBSTERS. *Chap. 75.*

Be it enacted, &c., as follows:

Section one of chapter one hundred and ten of the acts of the year eighteen hundred and seventy-four, is hereby amended by inserting the word "extended," after the word "body," in the fourth line of said section, and by adding after the word "dollars," in the sixth line of said section, the following words:—"and in all prosecutions under this act the possession of any lobster not of the length hereinbefore required, shall be *prima facie* evidence to convict." Amendment to 1874, 110, § 1.

Approved March 26, 1877.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY JAMES W. STOCKWELL AS A JUSTICE OF THE PEACE. *Chap. 76.*

Be it enacted, &c., as follows:

SECTION 1. All acts done by James W. Stockwell, as a justice of the peace within and for the county of Worcester, between the second day of April in the year eighteen hundred and seventy-six and the sixth day of January in the year eighteen hundred and seventy-seven, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office. Acts confirmed as a justice of the peace.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1877.

Chap. 77. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO REIMBURSE MONEY CONTRIBUTED FOR THE PURPOSE OF CELEBRATING THE ONE HUNDREDTH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE.

Be it enacted, &c., as follows :

May raise money by taxation to pay expenses of centennial celebration.

SECTION 1. The town of Westborough is hereby authorized to raise by taxation such sum of money, not exceeding one-tenth of one per cent. of its assessed valuation for the year eighteen hundred and seventy-five, as may be necessary to repay to certain individuals the money contributed by them and expended by a committee of said town in celebrating the one hundredth anniversary of the declaration of independence.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1877.

Chap. 78. AN ACT TO AUTHORIZE THE FIRST CONGREGATIONAL SOCIETY IN MANSFIELD TO SELL ITS MEETING-HOUSE.

Be it enacted, &c., as follows :

May sell meeting-house.

SECTION 1. The trustees of the First Congregational Society in Mansfield are authorized and empowered to sell and convey the meeting-house and the land on which it stands, situated in said Mansfield and belonging to said society, in such manner and at such time as shall be determined at a meeting of said society legally called.

Proceeds of sale.

SECTION 2. So much of the proceeds of the above sale as may be necessary, shall be applied to the payment of all the just and legal debts of said society. The remainder of said proceeds shall be deposited in some institution of good and approved standing, until such time as it shall be required for the purpose of building a new meeting-house : *provided*, that at the expiration of eighteen months from the date of sale, any and all of said proceeds not applied to the purposes hereinbefore indicated, shall be forthwith donated to some religious society in the county of Bristol in the state of Massachusetts, to be by said society expended in the maintenance of religious worship.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1877.

Chap. 79. AN ACT TO AUTHORIZE THE "SOCIETY OF THE FRIARS MINOR OF THE ORDER OF ST. FRANCIS" OF NEW YORK, TO HOLD REAL ESTATE IN THIS COMMONWEALTH.

Be it enacted, &c., as follows :

May hold real estate in Boston.

SECTION 1. The society of the "Friars Minor of the Order of St. Francis," of New York, is hereby authorized to hold by purchase, gift or devise, real estate in the city.

of Boston, to an amount not exceeding in value fifty thousand dollars, for religious and charitable purposes.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1877.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO BORROW MONEY FOR CERTAIN PURPOSES.

Chap. 80.

Be it enacted, &c., as follows :

SECTION 1. The county commissioners of Middlesex County are hereby authorized to borrow on the credit of said county the sum of forty thousand dollars, to be expended in erecting a new building for the registry of deeds at East Cambridge.

May borrow money for erection of building for registry of deeds.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT TO EXTEND THE TIME DURING WHICH THE CITY OF WORCESTER IS AUTHORIZED TO LAY OUT A PUBLIC PARK AND TO ESTABLISH AND MAINTAIN A RESERVOIR.

Chap. 81.

Be it enacted, &c., as follows :

SECTION 1. The time for taking and holding land in accordance with the provisions of chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-three is extended to the fifteenth day of April in the year eighteen hundred and seventy-eight.

Time for taking land extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT AUTHORIZING THE TRUSTEES OF THE ANDERSON SCHOOL OF NATURAL HISTORY TO RE-CONVEY THEIR PROPERTY, AND DISSOLVING SAID CORPORATION.

Chap. 82.

Be it enacted, &c., as follows :

SECTION 1. The trustees of the Anderson School of Natural History are hereby authorized to re-convey the island of Penikese with all the buildings and improvements thereon, free and discharged of all trusts whatsoever, to John Anderson, the original donor, and said corporation shall thereupon be dissolved.

May re-convey island to original donor, and corporation be dissolved.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT RELATING TO THE INTEREST OF A HUSBAND IN THE REAL ESTATE OF HIS WIFE ON HER DECEASE.

Chap. 83.

Be it enacted, &c., as follows :

When a man and his wife are seized in her right, and when a married woman is seized to her sole and separate

Husband's interest in estate of deceased wife.

use, free from the control of her husband, of any estate of inheritance in lands, the husband shall on the death of his wife, when he has no right as tenant by the courtesy, hold one-half the lands for his life, unless the wife shall by will provide otherwise.

Approved March 29, 1877.

- Chap. 84.* AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE REGULATION AND INSPECTION OF BUILDINGS, THE MORE EFFECTUAL PREVENTION OF FIRE, AND BETTER PRESERVATION OF LIFE AND PROPERTY IN BOSTON.

Be it enacted, &c., as follows :

Windows, steps, etc., not to project into or over streets in Boston.

SECTION 1. No person shall hereafter erect, place, construct, or cause to be erected, placed or constructed, or shall commence to erect, place or construct any portico, porch, door, window or step projecting into or over any public highway, street, causeway, bridge or square within the city of Boston.

Penalty.

SECTION 2. If any person shall violate the provisions of the foregoing section, he shall, upon the application of the inspector of buildings of the city of Boston, be liable to the processes of law and equity set forth in the twenty-third section of chapter three hundred and seventy-one of the acts of the year eighteen hundred and seventy-two.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1877.

- Chap. 85.* AN ACT TO FIX THE FEES AND EXPENSES CHARGEABLE IN FIRE INQUESTS.

Be it enacted, &c., as follows :

Fees and expenses at fire inquests to be the same as at coroners' inquests.

The fees of the magistrate and the expenses of the inquisition in cases of fire, under the provisions of chapter three hundred and three of the acts of the year eighteen hundred and sixty-seven, shall be the same as are provided by statute for similar services and expenses at coroners' inquests.

Approved March 29, 1877.

- Chap. 86.* AN ACT TO CHANGE THE NAME AND PURPOSE OF THE MASSACHUSETTS ANGLERS' ASSOCIATION.

Be it enacted, &c., as follows :

Name changed.

SECTION 1. The Massachusetts Anglers' Association shall hereafter be known by the name of The Massachusetts Fish and Game Protective Association.

Amendment to 1874, 66, § 1.

SECTION 2. Section one of chapter sixty-six of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out all after the words "and killing of," in the eighth line thereof, and inserting the following :

"Fish, shell-fish, bivalves and game; the promotion of the culture of fish and game, and the introduction of new species and varieties of fish and game; and to disseminate information relating thereto."

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT TO CONFIRM THE APPOINTMENT OF THE CLERK OF THE FIRST DISTRICT COURT OF PLYMOUTH. *Chap. 87.*

Be it enacted, &c., as follows:

SECTION 1. The appointment by the governor and council in June in the year eighteen hundred and seventy-four of David L. Cowell, as clerk of the first district court of Plymouth, is hereby ratified and confirmed, and all his acts and doings in that office since his said appointment are hereby made valid to all intents and purposes as if he had been appointed and qualified on or after the first day of July in said year.

Appointment and doings of clerk ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT TO AUTHORIZE THE TOWN OF HINGHAM TO BUILD AND MAINTAIN A ROAD AND DAM ACROSS BROAD COVE IN SAID TOWN AND TO EXCLUDE THE TIDE THEREFROM. *Chap. 88.*

Be it enacted, &c., as follows:

The town of Hingham is authorized, with the consent of the Hingham Wharf and Land Company, to build and maintain a road and dam across Broad Cove in said town and to exclude the tide therefrom.

May exclude tide from Broad Cove.

Approved March 29, 1877.

AN ACT TO AUTHORIZE THE HINGHAM WHARF AND LAND COMPANY IN THE TOWN OF HINGHAM TO CONSTRUCT THEIR DAM SO AS TO EXCLUDE THE TIDE FROM THE BASIN WITHIN THE DAM. *Chap. 89.*

Be it enacted, &c., as follows:

Chapter one hundred and forty of the acts of the year eighteen hundred and forty-nine, entitled "An Act in addition to an Act to incorporate the Hingham Wharf and Land Company in the town of Hingham," is hereby amended by adding to section two of said chapter the following words:—or said company is authorized to construct said dam with suitable flood-gates and sluice-ways so as to exclude the tide from the basin within said dam.

May exclude tide-water from basin within the dam.

Approved March 29, 1877.

Chap. 90. AN ACT TO APPROPRIATE THE INCOME OF THE COMPENSATION FUND
FOR BOSTON HARBOR.

Be it enacted, &c., as follows :

Appropriation. The board of harbor commissioners is authorized to expend the "income of the compensation fund for Boston Harbor," for the year eighteen hundred and seventy-seven, for dredging, and the same is hereby appropriated.

Approved March 29, 1877.

Chap. 91. AN ACT MAKING AN APPROPRIATION FOR THE RE-SURVEY OF THE
WHARF LINES OF BOSTON UPPER HARBOR.

Be it enacted, &c., as follows :

Appropriation. There shall be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five thousand dollars, to be expended under the direction of the harbor commissioners for the re-survey of the wharf lines of Boston Upper Harbor.

Approved March 29, 1877.

Chap. 92. AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPEND-
ITURES AUTHORIZED IN EIGHTEEN HUNDRED AND SEVENTY-SIX
AND PREVIOUS YEARS.

Be it enacted, &c., as follows :

Appropriation. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit :—

Stationery—
Sergeant-at-
arms. For stationery, printing, etc., ordered by the sergeant-at-arms, one hundred seventy-six dollars and thirty-nine cents.

Electoral
college. For compensation and expenses of the electoral college, one hundred and eighty-nine dollars.

Fees of wit-
nesses. For fees of witnesses before legislative committees, a sum not exceeding two hundred dollars.

Repairs at
state house. For repairs, improvements and furniture at the state house, a sum not exceeding one thousand two hundred and fifty dollars.

Repairs, No. 33
Pemberton Sq. For expenses connected with house number thirty-three Pemberton Square, eight hundred fifty-four dollars and seventy-three cents.

Term reports. For term reports, one thousand one hundred eighty-three dollars and fifty cents.

Supplement to
Gen. Statutes. For printing and binding the supplement to the General Statutes, two hundred eighty-seven dollars and sixty-four cents.

For stereotyping, printing and binding the decennial census and industrial statistics of the Commonwealth, a sum not exceeding twenty thousand dollars.

Census and industrial statistics—
Printing, etc.

For the publication of the Provincial Statutes, a sum not exceeding five thousand dollars.

Provincial Statutes.

For the contingent expenses of the railroad commissioners, two hundred ninety-three dollars and seventy-five cents.

Railroad commissioners.

For expenses of the harbor commissioners, three hundred eighty-six dollars and sixteen cents.

Harbor commissioners.

For incidental expenses of the board of agriculture, seventy four dollars and fifty-three cents.

Board of agriculture.

For expenses incurred in taking the decennial census and industrial statistics of the Commonwealth, a sum not exceeding six thousand five hundred dollars.

Census and industrial statistics.

For expenses incurred in fencing the camp-ground at South Framingham, one thousand four hundred forty-three dollars and thirteen cents.

Expenses :
Fencing
camp-ground.

For expenses attending coroners' inquests, a sum not exceeding one thousand five hundred dollars.

Coroner's inquests.

For expenses incurred in connection with the building for the insane at Tewksbury almshouse, one hundred ninety-one dollars and eighty-six cents.

Tewksbury almshouse.

From the appropriation made in eighteen hundred and seventy-six for the contingent expenses of the state detective force, there may be used a sum not exceeding three hundred and twenty-five dollars for the travelling expenses of said force.

State detective force.

For expenses incurred in advertising meetings of legislative committees during the sessions of eighteen hundred and seventy-six, and of previous years, a sum not exceeding one hundred and twenty-five dollars, which shall be allowed and paid upon the approval of the chairman or secretary of such committees.

Expenses of committees of legislature.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT RELATING TO THE RECORDING OF LIENS ON BUILDINGS AND LANDS.

Chap. 93.

Be it enacted, &c., as follows :

SECTION 1. The statement provided for in section five of chapter one hundred and fifty of the General Statutes, as amended by section two of chapter three hundred and eighteen of the acts of the year eighteen hundred and seventy-two, and the bond provided for in chapter three

Statement and bond to be filed in registry of deeds.

hundred and twenty-one of the acts of the year eighteen hundred and seventy-four, shall be filed and recorded in the registry of deeds for the county or district in which the building or structure is situated to which said statement and bond relate, instead of being filed and recorded in the office of the clerk of the city or town in which such building or structure is situated.

Items of the account not required to be recorded.

SECTION 2. Whenever such statement is filed in a registry of deeds the register shall not be required to record the items of the account therein contained further than to record the total amount claimed to be due. All statements filed under this act shall remain in the custody of the register for public inspection.

Bond may be taken from registry after it is recorded.

SECTION 3. The bond named in section one of this act may be taken from the registry of deeds by the obligee at any time after it has been recorded.

Clerk of court to certify to register when a lien is dissolved.

SECTION 4. When it appears of record, in the court where a suit is pending for enforcing a lien under the provisions of chapter one hundred and fifty of the General Statutes, that the lien has been dissolved, it shall be the duty of the clerk of the court to forward to the register of deeds for the county or district in which such building or structure is situated, a certificate of the fact of such dissolution and how the dissolution was made. The register shall file such certificate with the statement named in sections one and two of this act, and also make a record thereof with the record of said statement.

Certificate to be recorded.

Approved March 29, 1877.

Chap. 94. AN ACT FIXING THE TIMES AND PLACES OF HOLDING SESSIONS OF THE PROBATE COURT IN THE COUNTY OF BARNSTABLE.

Be it enacted, &c., as follows:

Sessions of probate court in Barnstable County.

SECTION 1. Sessions of the probate court shall be held in each year in the county of Barnstable as follows:—At Barnstable, on the second Tuesdays of January, February, March, August, September and December, and on the third Tuesdays of April and June; at Harwich, on the second Monday after the first Tuesday of May, and on the Monday after the third Tuesday of October; at Wellfleet, on the third Tuesday of May and fourth Tuesday of October; at Provincetown, on the Wednesday next after the third Tuesday of May, and the Wednesday next after the fourth Tuesday of October; and at Falmouth, on the third Tuesday of November.

SECTION 2. Chapter two hundred and seventy-seven of the acts of the year eighteen hundred and sixty-nine is hereby repealed. Repeal of
1869, 277.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1877.

AN ACT FOR THE PRESERVATION AND PROTECTION OF BIRDS, BIRDS' EGGS, DEER AND GAME. Chap. 95.

Be it enacted, &c., as follows:

SECTION 1. Whoever in this Commonwealth takes or kills any woodcock, or any ruffed grouse commonly called partridge, between the first day of January and the first day of September in any year, or any quail between the first day of January in any year and the first day of November following, or within the respective times aforesaid, sells, buys, has in his possession, or offers for sale any of said birds taken or killed within this Commonwealth, shall forfeit for every such bird twenty-five dollars. Preservation of
game—
Woodcock,
partridge and
quail.

SECTION 2. Whoever in this Commonwealth takes or kills any wood or summer duck, black duck, or teal, between the fifteenth day of April and the first day of September in any year, or within said time sells, buys, has in possession, or offers for sale any of said birds, shall forfeit for every such bird twenty-five dollars. Wood duck,
black duck
and teal.

SECTION 3. Whoever in this Commonwealth takes or kills any Bartramian sandpiper, commonly called upland or field plover, between the first day of January and the fifteenth day of July in any year, or within said time sells, buys, or has in his possession or offers for sale any of said birds, shall forfeit for every such bird ten dollars. Upland plover.

SECTION 4. Whoever in this Commonwealth takes or kills at any season of the year any undomesticated birds not named in the preceding sections of this act, except birds of prey, crows, crow blackbirds, herons, bitterns, wild pigeons, jays, rail, Wilson's snipe, wild geese, plover, sandpiper, or any of the so called marsh, beach or shore birds, and such fresh-water or sea fowl as are not named in the preceding sections of this act, or wilfully destroys or disturbs the nests or eggs of any undomesticated birds, except the nests and eggs of birds of prey or crows, shall forfeit for every such offence ten dollars: *provided*, that any person having a certificate from the Museum of Comparative Zoölogy at Cambridge, the Massachusetts Agricultural College at Amherst, the Boston Society of Natural History, the Worcester Lyceum and Natural History Undomesticated
birds, except
birds of prey,
etc.

Proviso.

Society, the Peabody Academy of Science at Salem, or from any incorporated society of natural history or college in the state, to the effect that he is engaged in the scientific study of ornithology, or is collecting in the interests of and for said institutions, or any one of them, may at any season of the year take or kill any undomesticated birds, or take their nests and eggs.

Snares not to be used, except for wild pigeons.

SECTION 5. Whoever in this Commonwealth at any season of the year takes, kills or destroys any game bird, except wild pigeons, by means of traps, snares, nets, or springes, or shoots at or kills any wild fowl or any of the so called shore, marsh, or beach birds, with or by the use of any battery, swivel or pivot gun, or by the use of any torch, jack or artificial light, shall forfeit for every such offence twenty-five dollars.

Deer not to be killed or taken prior to Jan. 1, 1880.

SECTION 6. Whoever in this Commonwealth at any season of the year prior to the first day of January eighteen hundred and eighty, and whoever thereafter between the first day of December in any year and the first day of October following, takes or kills any deer (except his own tame deer kept on his own grounds) shall forfeit for every such offence one hundred dollars; and any person may kill any dog found chasing or hunting deer where the dog is used for that purpose with the knowledge of his owner or keeper; and whoever, between the first day of March in any year and the first day of October following, takes or kills any gray squirrel, hare or rabbit, shall forfeit for every such offence ten dollars.

Pinnated grouse or prairie-chicken.

SECTION 7. Whoever in this Commonwealth at any season of the year takes or kills any pinnated grouse, commonly called prairie-chicken, unless upon ground owned by him, and grouse placed thereon by the owner, shall forfeit for every such bird twenty-five dollars: *provided*, that any person may buy, sell, or have in possession quail and pinnated grouse, commonly called prairie-chicken, at any time, provided the same be not taken or killed in this Commonwealth contrary to the provisions of this act.

Possession of game to be *prima facie* evidence to convict.

SECTION 8. In all prosecutions under the provisions of this act, the possession by any person or corporation of any gray squirrel, deer, or of birds mentioned as protected in this act, during the time within which the taking or killing of the same is prohibited, shall be *prima facie* evidence to convict under this act.

SECTION 9. All forfeitures accruing under this act shall be paid, one-half to the informant or prosecutor, and one-half to the city or town where the offence is committed. Forfeitures.

SECTION 10. Chapter three hundred and four of the acts of the year eighteen hundred and seventy, chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-one, chapters fifty-seven and seventy-seven of the acts of the year eighteen hundred and seventy-four, and chapter one hundred and seventy-two of the acts of the year eighteen hundred and seventy-five are hereby repealed. Repeal of
1870, 304.
1871, 320.
1874, 57.
1874, 77.
1875, 172.

Approved March 31, 1877.

AN ACT GIVING STABLE-KEEPERS A LIEN UPON HORSES FOR THEIR CHARGES. Chap. 96.

Be it enacted, &c., as follows:

SECTION 1. Stable-keepers shall have a lien on the horses brought by, or with the consent of, the owners thereof to their stables for all proper charges due for keeping and boarding such horses, and the lien may be enforced as provided in sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight of chapter one hundred and fifty-one of the General Statutes. Lien upon
horses for
keeping and
boarding.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1877.

AN ACT RELATING TO THE DISSOLUTION OF CERTAIN ATTACHMENTS BY TRUSTEE PROCESS. Chap. 97.

Be it enacted, &c., as follows:

SECTION 1. Any person or corporation having an interest, by assignment or otherwise, in money or credits attached by trustee process in an action against another, may at any time before final judgment dissolve such attachment or any part thereof by giving bond, in a sum not exceeding the damages demanded, with sufficient sureties, to be approved by the plaintiff or his attorney in writing, or by a master in chancery, with condition to pay to the plaintiff the sum to which the bond applies and for which the trustee may be charged, if any, not exceeding the value of the property in his hands, or so much thereof as will satisfy the amount recovered by the plaintiff, within thirty days after final judgment or any special judgment entered in accordance with the provisions of section one of chapter sixty-eight of the acts of the year eighteen hundred and seventy-five. If there are several trustees such bond may Attachments by
trustee process
may be dis-
solved by giving
bond.

be made to apply to one or more; but nothing herein contained shall be construed to prevent a defendant in such action from dissolving such attachment in the manner provided by law.

Notice, hearing,
fees, etc.

SECTION 2. The provisions of sections two and four of chapter two hundred ninety-one of the acts of the year eighteen hundred and seventy, relating to notice, hearing, fees, and the filing of the bond, shall apply to bonds given by virtue hereof. Upon the filing of the bond the trustee may deliver to the person by whom or in whose behalf as principal such bond is given, the money or other thing in his hands, or that part thereof to which the bond applies, and shall not be liable to the plaintiff therefor, after such payment, and no execution shall issue against him therefor. No action on such bond shall be maintained if commenced after the expiration of six years from the date thereof.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1877.

Chap. 98. AN ACT TO INCORPORATE THE ONSET BAY GROVE ASSOCIATION.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. H. S. Williams, H. B. Storer, George Hosmer, E. Gerry Brown, John H. Smith, H. H. Brigham, W. W. Currier, B. F. Gibbs, W. F. Nye, their associates and successors, are hereby made a corporation by the name of the Onset Bay Grove Association to be established and located in the town of Wareham, for the purpose of holding personal property and real estate, where a wharf, hotel and other public buildings may be erected, and building lots sold or leased for the erection of private residences or cottages, under such rules and regulations as the association may prescribe; and with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Name and
purpose.

Powers and
privileges.

Capital stock
and shares.

SECTION 2. Said association shall be a joint-stock company, with a capital of not less than twenty-five hundred nor more than twenty-five thousand dollars, divided into shares of fifty dollars each.

Buildings
taxable as
real estate.

SECTION 3. All buildings, booths or other structures erected on or attached to the grounds of the association, shall for the purposes of taxation be considered real estate and taxable in the town of Wareham.

SECTION 4. It shall be the duty of the officers or agent of the said association, annually on or before the twentieth day of May, to furnish to the assessors of the town of Wareham a true list of the names and residences of all owners of buildings or other taxable property erected upon the grounds of the association; and in default of such information the assessors of said town may tax such property to the association.

List of owners of buildings to be furnished to assessors.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1877.

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE VILLAGE OF ATTLEBOROUGH WITH WATER FOR THE EXTINGUISHMENT OF FIRES, AND FOR OTHER PURPOSES.

Chap. 99.

Be it enacted, &c., as follows:

SECTION 1. The Attleborough water-supply district may issue bonds to an amount not exceeding six thousand dollars, bearing interest payable semi-annually, at a rate not exceeding seven per centum per annum, in addition to the amount now authorized by law, the principal payable at periods not more than thirty years from the date thereof; said bonds to be issued and disposed of in the manner and for the purposes specified in section five of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-three.

May issue water-bonds.

SECTION 2. Said district shall raise by taxation annually a sum which with the income derived from the water-rates shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district.

May raise money by taxation to pay expenses and interest.

SECTION 3. Said district is further authorized upon a two-thirds vote of its legal voters, present and voting at a meeting called for that purpose, to raise by taxation any sum of money for the purpose of extending its water-pipes and providing the necessary fixtures connected therewith, not exceeding two thousand dollars in any one year.

May raise money to extend water-pipes, etc.

SECTION 4. Said district shall raise annually by taxation a sum sufficient to make the necessary annual contributions to a sinking fund, which shall be established for the redemption at maturity of the bonds issued by the district. And said sinking fund, with its accumulations, shall be held, managed and invested by three commissioners, who shall be elected by ballot at a regular meeting of the voters of said district called for the purpose, one for a term of one year, one for a term of two years, and one for

Sinking fund may be established.

Commissioners.

a term of three years from the next succeeding annual district meeting of said voters ; after which first election, one of said commissioners, as the terms expire, shall be elected for the term of three years, at the annual meeting of said district. Any vacancy in said office may be filled at a regular meeting of the voters of the district called for the purpose, and said commissioners shall render to said district, at its annual meeting, a full statement of the condition of said fund.

Tax to be assessed and collected by town officers, when duly voted by district.

SECTION 5. Whenever a tax is duly voted by said district, the clerk shall render a certified copy of the record to the assessors of the town of Attleborough, who shall proceed within thirty days to assess the same, in the same manner, in all respects, as town taxes are by law required to be assessed. The assessment shall be committed to one of the town collectors, who shall collect said tax in the same manner as is provided for the collection of school-district taxes, and shall deposit the proceeds thereof with the town treasurer.

Repeal.
1873, 271, §§ 3, 4.

SECTION 6. So much of sections three and four of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-three as is inconsistent with this act, is hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved March 31, 1877.

Chap. 100

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO WIDEN, DEEPEN AND STRAIGHTEN THE CHANNEL OF CHEESE CAKE BROOK, AND TO DRAIN THE LANDS ADJACENT THERETO.

Be it enacted, &c., as follows :

May widen and deepen brook for purposes of drainage.

SECTION 1. The city of Newton is hereby authorized, by such agents or commissioners as the city council thereof may appoint, from time to time, to widen, deepen and straighten the channel of Cheese Cake Brook, so called, in any portion thereof between its source and its outlet in Charles River in said city, and to drain the lands abutting thereupon and adjacent thereto ; and for that purpose to enter upon and use any part of such lands, and to take therefrom any stones, timber, earth or other material, so far as the same may be convenient and useful in effecting such improvement of said brook and lands ; and said city having commenced to make said improvement, shall use reasonable diligence to complete the same.

Damages.

SECTION 2. The city of Newton shall be liable to pay all damages that shall be sustained by any persons in their

property, by any doings under this act; and the board of mayor and aldermen of said city shall award such damages to, and assess such portion, not exceeding one-half, of the cost and expense of making said improvement, upon the owner or owners of such lands, whether known or unknown, as they shall deem just and equitable; and such assessments shall be in proportion to the immediate benefit of said improvement to such lands, and there shall be deducted therefrom in each case the amount of damages, if any, awarded as aforesaid. Betterments.

SECTION 3. All assessments made under this act shall constitute a lien upon the real estate, relative to the increased value of which said assessments are made, to be enforced in the same manner, with like charges for cost and interest, and with the same right of redemption, as provided by law for the collection of taxes upon real estate; and all said assessments remaining unpaid shall draw interest from the time when the same became due and payable until the time of payment. Assessments to be a lien upon estates.

SECTION 4. Any such award or assessment which is invalid by reason of any error or irregularity in the making thereof, or which has been recovered back, may be re-made by said board, and shall have the same effect and may be enforced or resisted in the same manner and with the same effect as the original award or assessment, if the same had been properly made. Errors in assessments may be corrected.

SECTION 5. Any person aggrieved by the doings of said board, either in awarding or refusing to award damages, or in making assessments as aforesaid, may apply by petition to the superior court in and for the county of Middlesex, filed in term time or vacation, within six months after the proceedings complained of; and after due notice to the city aforesaid, a trial shall be had at the bar of said court in the same manner and subject to the same rules and provisions of law applicable to the trial of similar civil causes; and if the same shall be tried by a jury the court may order the jury to view the place in question at the request of either party. If the court or jury shall increase the award or reduce the assessment complained of, the petitioner shall recover costs against the city, otherwise the city shall recover costs against the petitioner; and said costs may be deducted from the amount, if any, recovered by the opposing party or a separate execution may issue therefor as the court may Parties aggrieved may have trial by jury.

order. Final judgments recovered by the city shall, for the space of one year thereafter, constitute a lien and may be enforced in the same manner and to the same extent in all respects as provided in regard to original assessments in the third section of this act.

SECTION 6. This act shall take effect upon its passage.

Approved March 31, 1877.

Chap. 101 AN ACT RELATING TO SPECIAL CONTRACTS BETWEEN PERSONS AND CORPORATIONS AND THEIR SERVANTS, EMPLOYÉS AND WORKMEN.
Be it enacted, &c., as follows :

Contracts to exempt corporations, etc., from liability for injury to servants, etc., not to be made.

SECTION 1. No person or corporation shall by any special contract with his or its servants, employés or workmen, exempt himself or itself from any liability which he or it might otherwise be under to them for injuries suffered by them in their employment, where such injuries result from such person's or corporation's own negligence or the negligence of other servants, employés or workmen: *provided, however*, that nothing in this act shall be construed as creating any right or liability not now existing by law.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1877.

Chap. 102 AN ACT REQUIRING ADMINISTRATORS, EXECUTORS, GUARDIANS AND TRUSTEES TO RENDER THEIR ACCOUNTS ANNUALLY.

Be it enacted, &c., as follows :

Administrators, trustees, etc., to render accounts yearly.

Every administrator, executor, guardian and trustee, now required by law to render an account of his trust in the probate court, shall render to that court his account relative to the estate in his hands at least once a year, and at such other times as shall be required by said court until his trust shall be fulfilled: *provided, however*, that the judge of probate may upon application of any administrator, executor, guardian or trustee, excuse him from rendering an account in any year if satisfied that it is not necessary or expedient that such account be rendered.

Proviso.

Approved April 3, 1877.

Chap. 103 AN ACT TO INCORPORATE THE CHICOPEE WATER COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles McClallan, William C. McClallan, Emerson Gaylord, Erastus Stebbins, John A. Denison and Chauncey H. Hyde, their associates and successors, are hereby made a corporation by the name of the Chicopee Water Company, for the purpose of furnishing the inhab-

Name and purpose.

itants of the centre village of Chicopee with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. Said corporation may take, hold and convey to, into and through the said village the waters of springs and brooks in and upon a certain parcel of land in Springfield, bounded and described as follows, to wit: easterly by the Chicopee Falls Road, so called; southerly by the Morgan Road, so called; westerly and northerly by Liberty Street and the boundary line between Chicopee and Springfield; and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held, and may lay its water-pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs; and for the purpose aforesaid may carry its pipes under any street, highway or other way in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

May take and convey water.

May take and hold real estate.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Hampden a description of any land so taken, sufficiently accurate for identification, and state the purpose for which it is taken; and the title of land so taken shall vest in said corporation. Any person injured in any of his property by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

To file in registry of deeds a description of the land taken.

SECTION 4. Said corporation may distribute the water throughout said village, may establish and fix from time to time rates for the use of said water and collect the same by suits or otherwise, and may make such contracts with

May establish water rates.

the town of Chicopee, the Chicopee Central Fire District, or with individuals, to supply water for fire and other purposes, as may be agreed on by said town, district or individuals and said corporation.

Real and personal estate.

SECTION 5. Said corporation for the purposes set forth in this act may hold real and personal estate not exceeding in amount fifty thousand dollars in value, and the whole capital stock shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for diverting water, or rendering the same impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

May purchase aqueduct now in use.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said village, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the duties and liabilities appertaining and belonging to such owner or owners.

Town of Chicopee may purchase at any time.

SECTION 8. The town of Chicopee shall have the right at any time, during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or at such a price as may be mutually agreed upon between said corporation and the said town of Chicopee; and the said corporation is authorized to make sale of the same. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at any annual meeting, or at a legal meeting called for that purpose.

Work to be completed within two years.

SECTION 9. This act shall take effect upon its passage, and shall become void unless the work of introducing said water into said village is completed within two years.

Approved April 3, 1877.

AN ACT AUTHORIZING THE TOWN OF SHERBORN TO APPROPRIATE MONEY IN AID OF SAWIN ACADEMY. *Chap. 104**Be it enacted, &c., as follows:*

SECTION 1. The town of Sherborn is hereby authorized to appropriate and grant a sum of money not exceeding eight thousand dollars, to the trustees of Sawin Academy, to be used by them in payment in part of the expenses incurred in erecting and furnishing the academy building.

May appropriate
\$8,000 in aid of
Sawin Academy.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1877.

AN ACT CONCERNING THE AMOUNT OF CAPITAL STOCK OF STREET RAILWAY CORPORATIONS OUTSIDE OF CITIES. *Chap. 105**Be it enacted, &c., as follows:*

SECTION 1. Section two of chapter twenty-nine of the acts of the year eighteen hundred and seventy-four is so far amended that articles of association may be filed to build a street railway outside of any incorporated city, when capital stock to the amount of twenty-five hundred dollars has been actually subscribed and in good faith paid in for each mile of the railway proposed to be built by such corporation.

Amendment to
1874, 29, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

AN ACT IN RELATION TO COSTS IN CASES OF PARTITION OF LANDS. *Chap. 106**Be it enacted, &c., as follows:*

SECTION 1. Section forty-four of chapter one hundred and thirty-six of the General Statutes is amended by striking out therein the words "by the petitioner," and inserting instead thereof the words "in such manner as the court shall direct."

Partition of
lands.
G. S. 136, § 44.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REDUCE THE EXPENSES AND INCREASE THE EFFICIENCY OF THE MILITIA. *Chap. 107**Be it enacted, &c., as follows:*

SECTION 1. The title of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out the words "increase the efficiency of," and inserting instead thereof the word "reorganize."

Militia.
1876, 204.

New certificates
of discharge to
be issued.

SECTION 2. Immediately upon the passage of this act the adjutant-general shall issue and forward, to every officer of the militia who has been discharged under the provisions of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six, new certificates of discharge expressed in compliance with the provisions of this act.

Approved April 6, 1877.

Chap. 108 AN ACT AMENDING AN ACT TO PROTECT THE SHORES AND BEACHES IN SCITUATE.

Be it enacted, &c., as follows :

Shores and
beaches in
Scituate to be
protected.
1873, 206, § 1.

SECTION 1. Section one of chapter two hundred and six of the acts of the year eighteen hundred and seventy-three is amended by inserting after the word "Scituate," the words "except Bassing Beach."

Penalties for
removing ma-
terials from
Bassing Beach.

SECTION 2. Any person who shall take or remove by land or water from Bassing Beach any material composing said beach, unless with the approval of the harbor commissioners, shall for each offence be punished by a fine not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in jail for a term not exceeding two months.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1877.

Chap. 109 AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, CONCERNING THE TAKING OF FISH IN NORTH RIVER IN THE COUNTY OF PLYMOUTH.

Be it enacted, &c., as follows :

Fisheries in
North River,
in Plymouth
County.
1876, 103, § 1.

SECTION 1. Section one of chapter one hundred and three of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out after the words "North River" in the second line the words, "or any of its tributaries."

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

Chap. 110 AN ACT TO PROHIBIT THE SEINING OF FISH IN WATUPPA POND IN FALL RIVER AND WESTPORT.

Be it enacted, &c., as follows :

Seining fish in
Watuppa Pond
prohibited.

SECTION 1. No person shall set, draw or use any seine, net or trawl for the purpose of taking fish of any kind in the Watuppa Pond or any inlet or outlet thereof in Fall River or Westport.

SECTION 2. Any person violating this act, or buying, selling or having in possession any fish so taken, shall on conviction thereof pay a fine of not less than ten dollars nor more than fifty dollars, with forfeiture of boats, nets and apparatus used in such taking, to be recovered before any court of competent jurisdiction; one-half of said fine and forfeiture to be paid to the person making the complaint and the remainder to the Commonwealth.

Penalties and
forfeitures.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1877.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE INHABITANTS OF PITTSFIELD MAY VOTE UPON THE ACCEPTANCE OF THEIR CITY CHARTER.

Chap. 111

Be it enacted, &c., as follows:

SECTION 1. Section thirty-six of chapter one hundred and sixty-six of the acts of the year eighteen hundred and seventy-five is hereby amended, so that the vote of the inhabitants of Pittsfield, therein provided for, may be taken on or before the first day of May in the year eighteen hundred and seventy-nine.

Time extended
for voting upon
acceptance of
city charter.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

AN ACT TO AUTHORIZE THE METROPOLITAN RAILROAD COMPANY TO ISSUE BONDS.

Chap. 112

Be it enacted, &c., as follows:

SECTION 1. The Metropolitan Railroad Company is hereby authorized to issue bonds to an amount and in the manner provided for the issue of bonds by railroad corporations in sections forty-nine, fifty, fifty-one and fifty-two of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four and chapter one hundred and seventy of the acts of the year eighteen hundred and seventy-six; the provisions of which several sections and act shall be applicable to the Metropolitan Railroad Company; but no bonds issued under the authority herein given, shall be issued payable at a period prior to the time of payment of the bonds issued by said corporation under the provisions of chapter forty-six of the acts of the year eighteen hundred and seventy-four.

May issue
bonds.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

Chap. 113 AN ACT TO AUTHORIZE THE USE OF STEAM AS A MOTIVE POWER UPON BRANCHES OF THE BOSTON AND LOWELL RAILROAD IN THE CITY OF LOWELL.

Be it enacted, &c., as follows :

Steam may be used as motive power upon branches of Boston and Lowell Railroad, in the city of Lowell.

So much of section five of chapter one hundred and eighty-five of the acts of the year eighteen hundred and forty-seven, and of section four of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and fifty-six, as provides that in no case shall steam be used as a motive power upon the branches of the railroad of the Boston and Lowell Railroad Corporation, therein specified, is hereby repealed; but steam shall not be so used as a motive power upon said branches within the yard of any manufacturing corporation in the city of Lowell, without the written consent of the agent of such corporation.

Approved April 6, 1877.

Chap. 114 AN ACT TO AUTHORIZE THE BUILDING OF A WORKSHOP AT THE JAIL OF THE COUNTY OF BERKSHIRE.

Be it enacted, &c., as follows :

Commissioners may build workshop at the jail.

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized, in their discretion, to build a workshop to be used in connection with the jail and house of correction of said county, at an expense not exceeding seven thousand dollars, and to borrow money for that purpose, if necessary, on the credit of said county.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1877.

Chap. 115 AN ACT TO AUTHORIZE THE WEARING OF SIDE-ARMS BY THE VETERAN ARTILLERY ASSOCIATION OF AMESBURY AND SALISBURY.

Be it enacted, &c., as follows :

May parade with side-arms.

The Veteran Artillery Association of Amesbury and Salisbury is hereby authorized to parade in public with side-arms.

Approved April 6, 1877.

Chap. 116 AN ACT TO AMEND SECTION ONE OF CHAPTER TWO HUNDRED AND THIRTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FORTY-SEVEN, ESTABLISHING REGULATIONS CONCERNING BOSTON HARBOR.

Be it enacted, &c., as follows :

Amendment to 1847, 234, § 1.

SECTION 1. Section one of chapter two hundred and thirty-four of the acts of the year eighteen hundred and forty-seven, is hereby amended by striking out the words "easterly side of Tuttle's Wharf" and inserting instead thereof the words "Meridian Street Bridge."

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1877.

AN ACT TO AMEND CERTAIN ACTS CONCERNING THE MILITIA.

*Chap. 117**Be it enacted, &c., as follows:*

SECTION 1. The maximum number of commissioned officers and enlisted men in companies of artillery or cavalry when not attached to a battalion shall be eighty-four, and the minimum sixty-four. The minimum number of commissioned officers and enlisted men in companies of infantry shall be thirty-nine, and in companies of artillery and cavalry when attached sixty.

Number of officers and men allowed to a company.

SECTION 2. No election of officers shall be ordered in any company hereafter organized unless there shall have been enlisted therein, if for a company of infantry at least thirty-six men and if for a company of cavalry or artillery at least sixty men.

Election of officers.

SECTION 3. No uniforms, arms, equipments or military supplies shall be issued to or for the use of any company unless the said company shall have at least the minimum number of commissioned officers and enlisted men prescribed by law.

Uniforms, arms and equipments.

SECTION 4. Instead of the pay and allowances provided by section one hundred and twenty-five, chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four, for the special duties performed by mustering officers and paymasters, there shall hereafter be allowed and paid to such officers the sum of twelve dollars and fifty cents per annum for each company in the command to which they are attached, such allowance to be paid quarterly.

Compensation of mustering officers and paymasters.

SECTION 5. The commander-in-chief may authorize brigade commanders to call meetings of their staff officers, the field officers, adjutants and captains of unattached companies of their commands at some convenient place within the limits of their brigades, six times in each year, for instruction in tactics and the customs of the service; but nothing in this act shall be construed as allowing any compensation for attendance at such meetings. When such meetings are authorized, the quartermaster-general shall provide the necessary transportation for all officers attending such meetings at rates already established by law, whenever the distance travelled shall exceed five miles.

Meetings of officers in the brigade, for instruction.

SECTION 6. Any man who may have received an honorable discharge from the volunteer militia by reason of the expiration of his term of service may re-enlist and be mustered in for a term of one, two or three years, as he may elect.

Re-enlistment after honorable discharge.

Mounted bands.

SECTION 7. The commander-in-chief may authorize the use of mounted bands upon occasions of escort duty.

Assistant-surgeon for battalion, etc.

SECTION 8. To each separate cadet corps and battalion of infantry and cavalry there shall be allowed one assistant surgeon with the rank of first lieutenant.

Brigade non-commissioned staff officers.

SECTION 9. There shall be allowed to each brigade, to be recruited by the brigadier-general commanding, the following non-commissioned officers who shall be mustered in and receive the same pay and allowances as non-commissioned staff officers of infantry, except that the bugler and color-bearer shall be mounted and receive the pay and allowances of non-commissioned staff officers of mounted commands, viz. :—one brigade sergeant-major, one brigade quartermaster-sergeant, one brigade hospital steward, as assistants respectively in the departments of the assistant adjutant-general, assistant quartermaster and medical director; one brigade bugler, one brigade color-bearer and two brigade sergeants as clerks.

Chief bugler, etc., for battalions of artillery and cavalry.

SECTION 10. Instead of the drum-major authorized to battalions, there may be enlisted in battalions of artillery or cavalry, one chief bugler, and there may be enlisted in such battalions of artillery or cavalry, two guidons, all of whom shall be mustered in and receive the pay and allowances of non-commissioned staff officers of mounted commands.

Transportation may be furnished in kind.

SECTION 11. Transportation for the volunteer militia may be furnished in kind by the quartermaster-general, and when so furnished the allowance for transportation otherwise provided for in chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four shall not be paid, and no allowance shall at any time be paid for transportation not actually employed, nor to mounted officers and enlisted men when transported by means of horses provided by the state.

Judge advocate.

SECTION 12. The commander-in-chief may confer the powers of judge advocate-general or of judge advocate upon any officer serving with troops, or may order military offences to be tried as provided in the United States service.

Trial of military offences.

Repeal.

SECTION 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SECTION 14. This act shall take effect on the first day of the calendar month next succeeding its passage.

Approved April 10, 1877.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, CONCERNING THE MILITIA, BY TEMPORARILY ADDING ONE COMPANY OF INFANTRY. *Chap. 118*

Be it enacted, &c., as follows :

The commander-in-chief is hereby authorized to grant authority under the petition of Charles F. A. Francis and others, to recruit one company of infantry, and the same shall be mustered into the active militia whenever they shall have been approved for efficiency and character by the commander-in-chief. The number of infantry companies heretofore established may be increased to sixty-one whenever the commander-in-chief shall accept the said company, but the number of companies of infantry shall again be reduced to sixty, whenever any company of infantry shall be disbanded under section six of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six. *Additional company of militia allowed.*

Approved April 10, 1877.

AN ACT TO AMEND AN ACT IN RELATION TO THE CONSTRUCTION OF FISH-WEIRS. *Chap. 119*

Be it enacted, &c., as follows :

Chapter fifty of the acts of the year eighteen hundred and fifty-six is hereby amended by adding the following section: Section 4. No person shall construct or maintain any fish-weir within the tide-waters of this Commonwealth unless authorized in the manner set forth in the first section of this act, or from any island within said tide-waters without authority in writing from the mayor and aldermen of every city, and the selectmen of every town, distant not over two miles from said island. Any person who shall construct or maintain any weir in violation of the provisions of this section shall forfeit the sum of ten dollars for each day he shall maintain such weir, to be recovered in any court of competent jurisdiction to the use of any cities or towns, from the mayor and aldermen or selectmen of which he ought to have obtained the authority aforesaid, and shall also be liable to be indicted therefor and to be enjoined therefrom. *Construction of fish-weirs regulated.*

Penalty.

Approved April 10, 1877.

AN ACT RELATING TO THE RETURNS FROM COUNTY AND CITY PRISONS. *Chap. 120*

Be it enacted, &c., as follows :

SECTION 1. All acts and parts of acts requiring the sheriffs of the several counties of the Commonwealth, the masters or keepers of the jails and houses of correction *Returns from keepers of prisons to be made to commissioners of prisons.*

within the Commonwealth, and the directors of public institutions in the city of Boston, to make periodical returns to the board of state charities or its secretary, relative to prisoners in their charge or under their control, are hereby repealed; and reports from the several county and city prisons shall hereafter be made to the commissioners of prisons in accordance with the provisions of chapter two hundred and sixty-four of the acts of the year one thousand eight hundred and seventy-four. That the reports and returns made in pursuance of said chapter may be properly compiled for presentation to the legislature, the commissioners of prisons are hereby authorized to expend not exceeding one hundred and fifty dollars for blanks, and not exceeding seven hundred dollars annually for clerical assistance.

Repeal.

Returns to
board of state
charities.

SECTION 2. All acts and parts of acts requiring the secretary of the board of state charities to furnish blanks for periodical returns from the jails, houses of correction and the house of industry are hereby repealed; but the warden of the state prison and the master of the state workhouse shall continue to make such returns and reports as may be required by the board of state charities. And said board and its secretary shall have free access to the returns made to the commissioners of prisons from the county and city prisons.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 121

AN ACT TO INCORPORATE THE ATHOL WATER COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Robert Wiley, Adin H. Smith, Solon L. Wiley and Charles Field, their associates and successors, are hereby made a corporation by the name of the Athol Water Company, for the purpose of furnishing the inhabitants of Athol with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Powers and
duties.

May take and
convey water in
town of Athol.

SECTION 2. Said corporation for the purpose aforesaid may take and hold the waters of Thousand-Acre Meadow Brook, Wellington Brook, Cut-Throat Brook and Powers or Bates Brook, in the towns of Phillipston and Petersham, and may convey the same through said towns into and through the town of Athol or any part thereof; and may

take and hold, by purchase or otherwise, such land on and around the margin of said brooks, not exceeding five rods in width, as may be necessary to secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for constructing any reservoir, for erecting and maintaining dams, embankments and gate-houses, and for laying down and maintaining conduits, pipes and drains, and constructing aqueducts, hydrants and other works for collecting, conducting and distributing water among the said inhabitants. Said corporation shall, within ninety days after taking such lands, file in the registry of deeds in the county of Worcester a description of the lands so taken, sufficiently accurate for identification, together with a statement of the purposes for which said lands are taken, signed by the president of said corporation.

May take and hold land.

To file in registry of deeds a description of the land taken.

SECTION 3. Said corporation may construct one or more permanent aqueducts, from any of the sources before mentioned, into and through said town of Athol, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs; may make and establish public fountains and hydrants in such places as it may from time to time deem proper, and prescribe the purposes for which they may be used, and may change and discontinue the same; may distribute the water throughout the town of Athol; may regulate the use and establish the price or rent therefor; may for the purposes aforesaid convey and conduct its conduits, pipes and drains over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may for such purposes enter upon and dig up any such road, street or other way, under the direction of the selectmen of the town in which the same is done.

May construct aqueducts.

May establish water-rates.

SECTION 4. Any person or corporation injured in property under this act and failing to agree with said corporation as to the amount of damages may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights, until the water is actually taken or diverted by said corporation. Any person whose water-rights are thus taken may so apply at any time within three

Assessment of damages.

years from the time when the water is actually taken or diverted.

Real estate.

SECTION 5. Said corporation for the purposes aforesaid may hold real estate not exceeding in value thirty thousand dollars, and its capital stock shall not exceed eighty thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for diverting water or rendering it impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

May purchase aqueduct now in use.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct now used in furnishing water to the inhabitants of said town of Athol, his or their whole water-right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

SECTION 8. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 122

AN ACT TO SUPPLY THE TOWN OF HOPKINTON WITH WATER.

Be it enacted, &c., as follows:

Hopkinton may supply itself with water.

SECTION 1. The town of Hopkinton is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water and convey it through the town.

SECTION 2. Said town for the purposes aforesaid may take and hold the water, or so much thereof as may be necessary, of any springs, natural ponds or brooks within the limits of said town; and may convey said waters or

any part thereof into and through said town ; and may also take and hold by purchase or otherwise, all necessary lands for raising, holding, flowing, diverting, conducting and preserving such waters, and conveying the same to any and all parts of said town ; and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor ; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses, roads or railroads, and along any street, highway or other way other than a railway, in such manner as not to unnecessarily obstruct the same ; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise and embank any such land, street, highway or other way, in such manner as to cause the least hindrance to travel thereon ; but all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Middlesex : *provided*, that within ninety days after the time of taking any lands, springs, ponds, brooks or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same are taken, signed by the selectmen of said town.

May dig up streets and highways.

To file in registry of deeds a description of the land taken.

SECTION 3. Said town of Hopkinton shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water or water-rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways ; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights, until the water is actually taken and diverted by said town. Any person whose water-rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards.

Liability for damages.

Hopkinton
Water Loan.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority from time to time to issue notes, bonds or scrip, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated "Hopkinton Water Loan," to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding six per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper. Said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, sufficient with its accumulations to pay said loans at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt, and shall be used for no other purpose.

To establish a
sinking fund.

Penalty for
diverting water
or rendering it
impure.

SECTION 5. Whoever wilfully corrupts, pollutes or diverts any of the water taken under this act, or injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said town for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above named acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months.

Powers may be
conferred upon
agents.

SECTION 6. The rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, may be exercised by such agents and servants as said town shall elect or employ, who shall act in accordance with the votes of said town.

Subject to
acceptance by a
two-thirds vote.

SECTION 7. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of the town present and voting thereon, at a legal meeting called for that purpose.

Approved April 10, 1877.

AN ACT TO REGULATE THE TAKING OF FISH IN MONATAQUOT RIVER *Chap. 123*
IN THE TOWN OF BRAINTREE.*Be it enacted, &c., as follows :*

SECTION 1. The town of Braintree may, at any legal meeting called for that purpose, make regulations not inconsistent with the provisions of the general laws of the Commonwealth concerning the taking of alewives and shad in Monataquot River within said town, or concerning the disposal of the privilege of taking the same, for its own use and benefit.

Alewife and shad fisheries regulated.

SECTION 2. Said town shall, at its annual meeting in March in the year eighteen hundred and seventy-eight and in each year thereafter, choose three discreet persons by ballot, whose duty it shall be to inspect said river, to cause the regulations respecting said fishery to be carried into effect and to prosecute all violations thereof.

Three persons to be chosen to cause regulations to be enforced.

SECTION 3. No persons shall in any way take or catch any shad or alewives in said river until the first day of March in the year eighteen hundred and seventy-eight.

Shad and alewives not to be taken until March 1, 1878.

SECTION 4. Whoever takes from said river any of said fish in violation of the provisions of this act, or of said regulations, shall forfeit for each fish so taken not more than ten dollars nor less than one dollar, one-half of said penalty to be paid to the complainant and the other half to said town.

Penalty.

SECTION 5. Chapter one hundred and fifty-one of the acts of the year eighteen hundred and seventeen is hereby repealed.

Repeal of 1817, 151.

SECTION 6. This act shall take effect upon its passage.

*Approved April 10, 1877.*AN ACT TO INCORPORATE THE MUTUAL BOILER INSURANCE COMPANY *Chap. 124*
OF BOSTON.*Be it enacted, &c., as follows :*

SECTION 1. C. C. Walworth, Alfred H. Hall, Frederick S. Cabot, D. D. Crombie, F. Ernest Cabot, their associates and successors, are hereby made a corporation by the name of the Mutual Boiler Insurance Company of Boston, to be located in the city of Boston, for the purpose of insuring property upon the mutual principle, against loss or damage, other than by fire, by the explosion of steam-boilers ; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws

Corporators.

Name and purpose.

Powers and duties.

which now are or hereafter may be in force relating to mutual fire insurance companies, so far as the same are applicable to this class of insurance and except as herein-after provided.

When may com-
mence business.

SECTION 2. Said corporation shall not issue policies until the sum of two hundred and fifty thousand dollars has been subscribed to be insured and entered upon the books of the corporation, in sums not exceeding five thousand dollars upon any one risk; nor until the certificate of the insurance commissioner is obtained as provided in section five of chapter two hundred and ninety-seven of the acts of the year eighteen hundred and seventy-one.

Cash premium
and deposit
note.

SECTION 3. Said corporation shall require from its policy holders, in addition to the cash premium upon their respective policies, a deposit note of five times the amount of such cash premium, which note shall contain a stipulation that the same shall be payable at such times and in such sums as the directors of the corporation may order or assess, pursuant to the by-laws of the corporation. Such deposit notes shall constitute the entire liability of the insured as a member of the corporation.

Liability of
insured.

SECTION 4. This act shall take effect upon its passage.

Approved April 10, 1877.

Chap. 125 AN ACT TO AUTHORIZE THE CONSTRUCTION OF BRIDGES OVER BOURNE'S POND RIVER, GREEN'S POND RIVER AND GREAT POND RIVER IN THE TOWN OF FALMOUTH.

Be it enacted, &c., as follows:

May lay out way
and construct
bridge.

SECTION 1. The town of Falmouth or the county commissioners for the county of Barnstable may lay out a way, and said town or said county commissioners may construct a bridge over Bourne's Pond River, Green's Pond River and Great Pond River in said town, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine. The selectmen of said town or said commissioners, in carrying into effect the provisions of this act, shall in all respects conform to the existing laws relating to the laying out of highways.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1877.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO LAY OUT AND
CONSTRUCT A WAY KNOWN AS BUFFINTON STREET, THROUGH A
PRIVATE BURIAL-GROUND. *Chap. 126*

Be it enacted, &c., as follows :

SECTION 1. The city of Fall River is hereby authorized to lay out and construct the street or way known as Buffinton Street, in and through the private burial-ground situated on the southerly side of said Buffinton Street and extending easterly along said street three hundred and sixty-three and seventy-five one-hundredths feet from the easterly line of the estate of E. E. Hathaway : *provided*, that no burial-lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until the remains shall have been removed to some other cemetery without expense to the owner of such burial-lot.

May lay out
street across a
private burial-
ground.

SECTION 2. Said city shall be liable to the owners of said burial-ground, to pay all damages sustained in their property by the taking of any lands under the provisions of the preceding section. If the owners or any one of them, sustaining damages as aforesaid, cannot agree with the city upon the amount of said damages, he or they may have said damages assessed in the same manner as is provided in case of taking land for highways : *provided*, that any application for a jury to assess said damages, shall be made within one year after said damages are sustained.

Liability for
damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1877.

AN ACT CONCERNING NON-RESIDENT GUARDIANS AND THEIR WARDS. *Chap. 127*

Be it enacted, &c., as follows :

SECTION 1. The second section of chapter one hundred eighty-nine of the acts of the year eighteen hundred seventy-five, is hereby repealed, and the second section of chapter one hundred twenty-two of the acts of the year eighteen hundred sixty-six, thereby repealed, is hereby re-enacted.

Repeal of
1875, 189, § 2.

Re-enactment of
1866, 122, § 2.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1877.

AN ACT TO AUTHORIZE MOTHERS TO APPOINT BY WILL, GUARDIANS
OF THEIR MINOR CHILDREN. *Chap. 128*

Be it enacted, &c., as follows :

A mother may by her last will in writing appoint guardians for her children whether born at the time of making

Mothers may
appoint by will
guardians for

their minor
children.

the will or afterwards, to continue during the minority of the child or a less time: *provided*, the father of such children has died without appointing such guardian. And such guardian so appointed by the mother shall have the same powers and perform the same duties and be subject to the same obligations as a testamentary guardian appointed by the father.

Approved April 11, 1877.

Chap. 129 AN ACT TO PROVIDE FOR THE DISPOSITION OF CERTAIN LIQUORS
HERETOFORE SEIZED UNDER THE LAWS.

Be it enacted, &c., as follows :

Liquors in hands
of sheriffs to be
delivered to
chief of state
detectives upon
order of court.

SECTION 1. All intoxicating liquor delivered to the sheriffs of the several counties of this Commonwealth or their deputies, under section twelve of chapter fifteen of the acts for the year eighteen hundred and seventy-five, and still remaining when this act takes effect, in the possession of said sheriffs or their deputies, shall, by the written order of the justice or court which adjudged the liquor forfeited, be delivered to the chief of the state detective force. Said officer shall sell the same and pay over the net proceeds to the treasurer of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1877.

Chap. 130 AN ACT TO AUTHORIZE THE TOWN OF CHATHAM TO CONSTRUCT A
BRIDGE ACROSS OYSTER POND RIVER.

Be it enacted, &c., as follows :

Town may con-
struct a bridge,
etc., across Oys-
ter Pond River.

SECTION 1. The town of Chatham in the county of Barnstable is hereby authorized to lay out a road and construct and maintain a bridge across Oyster Pond River in said town and county; beginning at the town road on the west side of said river at or near the lumber yard of Daniel Howes, deceased, thence over said river to the land of Caleb F. Nickerson, in said town, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

To proceed as
provided for
laying out town
roads.

SECTION 2. Said town in laying out and constructing said road and bridge shall in all respects proceed as is now provided by law for laying out and constructing town roads.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1877.

AN ACT TO AMEND AN ACT IN ADDITION TO AN ACT TO INCORPORATE
THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY. *Chap. 131*

Be it enacted, &c., as follows :

SECTION 1. The provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and seventy-three, granting certain land to the Institute of Technology, shall become inoperative and void unless said institute shall within two years from the passage of this act erect a suitable building for the permanent use of said institute upon said land.

Building to be
erected within
two years.
1873, 174.

SECTION 2. In default of such action by the institute, within the time limited in the first section of this act, the commissioners on public lands may sell and convey the same granted land in the same way that other lands of the Commonwealth on the back bay are sold and conveyed.

Commissioners
on public lands
may sell land
unless provi-
sions are com-
plied with.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1877.

AN ACT CONCERNING THE SEWAGE OF THE STATE HOSPITAL FOR THE
INSANE, IN THE TOWN OF DANVERS. *Chap. 132*

Be it enacted, &c., as follows :

SECTION 1. The trustees of the state hospital for the insane, in the town of Danvers, are hereby prohibited from causing or permitting the discharge through any sewer or drain of any portion of the sewage of said hospital into the Ipswich River.

Sewage not to
be discharged
into Ipswich
River.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1877.

AN ACT RELATING TO BOARDS OF HEALTH IN THE SEVERAL CITIES OF
THE COMMONWEALTH. *Chap. 133*

Be it enacted, &c., as follows :

SECTION 1. In each of the several cities of this Commonwealth, except the city of Boston, the mayor and aldermen shall, in the month of January, in the year eighteen hundred and seventy-eight, appoint two persons, not members of the city council, who together with the city physician shall constitute the board of health of such city. The board so constituted shall enter upon its duties on the first Monday of February then next succeeding. The terms of office of the two appointed members shall be so arranged at the time of their appointment, that the term of one shall expire on the first Monday in February in each year, after the year eighteen hundred and seventy-eight ;

Boards of health
to be appointed
in cities.

Terms of office.

Subject to
removal from
office for cause.

Board to be
organized by
choice of chair-
man and clerk.

Powers and
duties.

To make annual
report.

May enforce
regulations with
reference to
house drainage.

and the vacancy so created, as well as all vacancies occurring otherwise, shall in each of said cities be filled by the mayor, with the approval of the board of aldermen. The members of said board of health so appointed, shall in each of said cities be subject to removal by the mayor for cause; and for their services they shall receive such compensation as the city council may from time to time determine.

SECTION 2. Each of said boards of health shall organize annually by the choice of one of their number as chairman; they may also choose a clerk, not a member of the board, and they may make such rules and regulations for their own government and for the government of all subordinate officers in their department as they may deem expedient.

SECTION 3. The boards of health hereby constituted shall have and exercise all the powers vested in, and shall perform all the duties prescribed to, city councils or mayors and aldermen as boards of health, under the statutes and ordinances now in force in their respective cities; and shall have power to appoint such subordinate officers, agents and assistants, as they may deem necessary, and may fix their compensation, and the compensation of the clerk before mentioned: *provided*, that the whole amount of such compensation shall not exceed the sum appropriated therefor by the city council.

SECTION 4. In each of said cities said boards of health shall annually, in the month of January, present to the city council a report made up to and including the thirty-first day of the preceding December, containing a full and comprehensive statement of the acts of the board during the year, and a review of the sanitary condition of the city; they shall also, whenever the city council or the standing committee thereof on finance shall so require, send to the auditor of accounts an estimate in detail of the appropriations required by their department during the next financial year.

SECTION 5. Said boards of health and the board of health of the city of Boston, in addition to the powers conferred upon them by existing statutes, are hereby authorized to prepare and enforce in their respective cities, such regulations as they may deem necessary for the safety and health of the people, with reference to house drainage and its connection with public sewers, where such connection is made.

SECTION 6. On the Tuesday next after the first Monday of November next, a meeting of the legal voters of each of the several cities of the Commonwealth shall be duly warned and called by the mayor and aldermen thereof, for the purpose of voting upon the acceptance of this act; and the same shall not take effect in any city unless accepted by a majority of the legal voters present and voting at said meeting.

Subject to acceptance by a majority vote.

Approved April 17, 1877.

AN ACT TO ENABLE THE JUDGES OF THE PROBATE COURT, WITHOUT BEING PETITIONED THEREFOR, TO REQUIRE A NEW BOND WHEN THE SURETIES OR THE PENAL SUM OF THE ORIGINAL BOND ARE INSUFFICIENT.

Chap. 134

Be it enacted, &c., as follows:

Section fifteen of chapter one hundred and one of the General Statutes is hereby amended by inserting after the word "interested" at the end of the third line, the words "or without such petition."

Amendment to G. S. 101, § 15.

Approved April 17, 1877.

AN ACT CONCERNING THE LANCASTER RAILROAD COMPANY.

Chap. 135

Be it enacted, &c., as follows:

SECTION 1. The proceedings of the Lancaster Railroad Company whereby by indenture dated on the first day of January in the year eighteen hundred and seventy-two, it conveyed its railroad and other property in mortgage to George A. Parker, William B. Stearns and Francis H. Kinnicutt, trustees, to secure to the holders of its bonds the payment of the same, are hereby ratified and confirmed.

Mortgage ratified and confirmed.

SECTION 2. The bonds already issued by said Lancaster Railroad Company to the amount of ninety thousand dollars are hereby declared to be valid, and to be secured by said mortgage, and the said company is hereby authorized to complete the issue of bonds secured by said mortgage, to the amount, including said issue of ninety thousand dollars, of the sum secured thereby; to wit, the sum of one hundred and fifteen thousand dollars.

Issue of bonds declared valid.

SECTION 3. Chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy, entitled "An Act to incorporate the Lancaster Railroad Company," and chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-one, entitled "An Act concerning the Lancaster Railroad Company," are hereby revived; and all the franchises, rights, powers, authorities, privileges, immunities and property granted by said acts are hereby revived and re-granted to said com-

Acts revived.
1870, 214.
1871, 130.

Time for
location and
construction
extended.

pany as fully as if said company had complied with the conditions mentioned in said acts.

SECTION 4. The time within which said Lancaster Railroad Company was, by section five of chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy, ordered to be located, is hereby extended one year from the passage of this act, and the time within which by the same section it was ordered to be constructed, is hereby extended two years from the passage of this act.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1877.

Chap. 136 AN ACT TO AMEND AN ACT TO SUPPLY THE TOWNS OF WAKEFIELD AND STONEHAM WITH WATER.

Be it enacted, &c., as follows :

Water supply
for Stoneham
and Wakefield.
1872, 335.

SECTION 1. The first section of chapter three hundred and thirty-five of the acts of the year eighteen hundred and seventy-two is hereby amended by inserting after the word "water" in the sixth line, the words, "to extinguish fires, generate steam, and for domestic, manufacturing and other uses."

Amendment to
1872, 335, § 4.

SECTION 2. The fourth section of said act is hereby amended by striking out all in said section after the word "highways" in the ninth line.

Town of Wake-
field may guar-
antee bonds.

SECTION 3. The town of Wakefield may guarantee the payment of the interest on the bonds of the Quannapowitt Water Company, issued for the purpose of constructing its water-works, for a term not exceeding twenty years, at a rate not exceeding six per cent. per annum, and not exceeding fifty thousand dollars in amount: *provided*, said town shall vote so to do at any legal meeting called for that purpose.

Proviso.

Powers and
duties, liabilities
and restrictions.

SECTION 4. All the rights, powers and privileges granted to the town of Wakefield by the aforesaid act are hereby revived, subject to the restrictions, duties and liabilities therein mentioned, and may be exercised at any time while the said town is liable for the interest on any of said bonds; and the authority to take or purchase the franchise and corporate property of said company is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon, at a legal meeting called for that purpose.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1877.

AN ACT PROVIDING FOR SUBMITTING THE CLAIM OF EDWIN ADAMS *Chap. 137*
AGAINST THE COMMONWEALTH TO ARBITRATION.

Be it enacted, &c., as follows:

SECTION 1. The doings of a majority of the commissioners appointed under chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, in submitting the claim of Edwin Adams against said Commonwealth to the arbitration of Francis E. Parker, L. Miles Standish and Benjamin F. Prescott, and in executing in conjunction with said Adams an agreement for such submission, which agreement is dated March tenth in the year eighteen hundred and seventy-seven, a copy of which is deposited in the office of the secretary of the Commonwealth, are hereby fully ratified and confirmed.

Doings of
commissioners
confirmed.

SECTION 2. The award of such arbitrators, made and returned to the supreme judicial court for the county of Suffolk as provided in said submission, may be acted upon by said court or any justice thereof either in term time or vacation; and said court may accept, reject or recommit said award, or take such other action in the premises as they do in regard to awards of arbitrators appointed under a justice's rule.

Award of
arbitrators may
be acted upon
by S. J. C.

SECTION 3. Upon the acceptance of such award by said court, as hereinbefore provided, the governor shall draw his warrant upon the treasury of the Commonwealth for the amount, if any, found due to said Adams by said award. And said arbitrators shall have power to decide all questions of costs including their own fees, subject to the decision and taxation of said court.

Upon accept-
ance of award
governor to
draw warrant
for amount
found due.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1877.

AN ACT TO INCORPORATE THE MONTGOMERY GUARD ASSOCIATION *Chap. 138*
OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

SECTION 1. James J. Flynn, Patrick A. Collins, John E. Fitzgerald, Timothy J. Dacey, John Boyle O'Reilly, Charles F. Donnelly, Thomas J. Gargan, Michael Doherty, Edward B. Rankin, John R. Farrell, Dennis J. Gorman, Adolphus G. McVey, and Timothy A. Hurley, and such other persons as are known as the Montgomery Guard, or may hereafter become associated with them, are hereby constituted a body corporate by the name of the Mont-

Corporators.

Name.

gomery Guard Association of the city of Boston, having the privileges and subject to the duties and liabilities set forth in all general laws which now are, or hereafter may be in force relating to corporations.

To furnish relief to indigent members.

SECTION 2. The objects of this corporation shall be to afford pecuniary relief to aged, reduced and indigent members, and to their widows and children, to preserve the traditions and customs of the above named corps, to promote its welfare and to continue and foster its friendships and associations.

May adopt constitution and by-laws.

SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, rules and regulations for the admission of members and their government, the election of officers and prescribing their duty, the suspending and expelling of members, and for the safe keeping of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

Real and personal estate.

SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

May parade with side-arms.

SECTION 5. The members of said corporation may parade in public with side-arms.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1877.

Chap. 139 AN ACT TO ANNEX A PART OF THE TOWN OF MEDFORD TO THE TOWN OF MALDEN.

Be it enacted, &c., as follows :

Part of Medford annexed to Malden.

SECTION 1. All that part of the town of Medford, with the inhabitants and estates therein, comprised within the following described lines, to wit :—Beginning at a stone bound at Creek Head, so called ; thence running northwesterly to an angle in the wall on the north line of Salem Street, forty-eight and one-tenth feet westerly from the east face of the west gate-post in front of William Tothill's house ; thence running northerly parallel with and nine hundred and eighty-six and sixty-six one-hundredths feet distant westerly from the present line dividing Medford and Malden, to the line between Medford and Stoneham ; thence running easterly by the last named line to the line between Medford and Malden ; thence running southerly by the present easterly boundary of Medford to the point of beginning ; is hereby set off from the town of Medford and annexed to the town of Malden.

SECTION 2. The inhabitants of said described territory shall pay all taxes which have been legally assessed upon them by the town of Medford, and all taxes heretofore so assessed and not collected shall be collected and paid over to the treasurer of the town of Medford in the same manner as if this act had not been passed. Until the next state valuation the town of Malden shall annually, in the month of October, pay to the town of Medford one-eightieth part of all state and county taxes that shall be assessed upon said town of Medford.

Payment of
taxes.

SECTION 3. Said town of Malden shall be liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlements were gained, whether by original acquisition or derivation, by reason of a residence on the territory hereby annexed to said town of Malden. The town of Malden shall pay to the town of Medford, annually, one-eightieth part of the costs paid by the last named town for the support or relief of paupers whose settlements were acquired therein or were derived from settlements acquired therein in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of said town of Medford.

Support of
paupers.

SECTION 4. Until a new apportionment of representatives shall be made, the inhabitants of the territory described in the first section of this act shall, for the purpose of electing representatives to the general court, remain and continue to be a part of the town of Medford, and the inhabitants resident thereon qualified to vote shall be entitled to vote for representatives and shall be eligible to the office of representative in the town of Medford, and shall vote at the place at which the inhabitants of Medford vote.

Election of
representatives
to the general
court.

The selectmen of Malden shall annually make a true list of all persons resident on said territory qualified to vote at every such election, and post the same on said territory according to law; they shall also deliver one such list, corrected as required by law, to the selectmen of the town of Medford before the time of meeting for election, to be used thereat.

SECTION 5. Within one year from the passage of this act, the town of Malden shall pay to the town of Medford the sum of one thousand dollars; and this sum shall be a

Town of Malden
to pay \$1,000 to
the town of
Medford.

settlement of all claims against the town of Malden growing out of the provisions of this act; and all the water-pipes and other public property of the said town of Medford situated on the territory hereby annexed shall hereafter vest in the town of Malden.

Malden to pay for establishing boundary line.

The town of Malden shall pay all the expense of making the survey and establishing the boundary line between that town and Medford.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1877.

Chap. 140 AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A HIGHWAY AND BRIDGE ACROSS CONNECTICUT RIVER AT TURNER'S FALLS.

Be it enacted, &c., as follows:

Commissioners may relocate and build bridge.

SECTION 1. The commissioners named in section one of chapter one hundred and ninety-three of the acts of the year eighteen hundred and seventy-five, after being duly sworn, and after due notice to and hearing all parties interested, may if in their judgment the public necessity and convenience require, without regard to the restrictions as to location contained in said act, but between such point in the town of Gill and such point in the town of Montague as they shall deem best, relocate and construct upon such relocation the highway and bridge in said act mentioned.

Relocation to be filed in office of the clerk of the courts.

SECTION 2. They shall forthwith file such relocation in the office of the clerk of the courts in the county of Franklin, with a description by metes and bounds, and names of owners so far as known, of the lands and other property, if any, taken thereby, and shall at the same time give written notice of such filing to all such owners and to the commissioners of said county.

County commissioners to issue notice, &c.

SECTION 3. Said county commissioners at their regular meeting next after receiving such notice shall issue due notice to all owners whose names are so filed, when and where they will meet to view the land and property taken, after which view and hearing the parties, they shall estimate and award his damages to each of such owners and file their awards in the office of said clerk forthwith, giving written notice of such filing to each owner.

Persons aggrieved by award may apply for a jury.

SECTION 4. Any person aggrieved by such award may within thirty days after the filing thereof, apply in writing to said county commissioners for a jury to determine his

damages; whereupon proceedings shall be had in all respects the same as in an application for a jury to determine damages for land taken for a highway.

SECTION 5. All provisions of said chapter one hundred and ninety-three of the acts of the year eighteen hundred and seventy-five inconsistent herewith are hereby repealed. Repeal.

Approved April 20, 1877.

AN ACT TO REGULATE THE FISHERIES IN THE WEWEANTIT RIVER AND ITS TRIBUTARIES, AND FOR STOCKING THE SAME WITH SHAD AND ALEWIVES.

Chap. 141

Be it enacted, &c., as follows:

SECTION 1. No person shall take or catch any shad or alewives in the Weweantit River or its tributaries in Plymouth County, for a period of five years from the passage of this act, under a penalty of five dollars for each and every shad taken, and fifty cents for each and every alewife taken in violation of this act, and forfeiture of all boats, seines, nets or other apparatus for taking said fish, used in violation of the provisions of this act: *provided*, Fisheries regulated.
however, that the several fish committees of the towns of Wareham, Rochester and Carver, chosen annually, shall have the right to take or catch said fish in sufficient numbers for the purpose of assisting in the stocking of said river and its ponds and tributaries, and for no other purpose whatever. Proviso.

SECTION 2. The provisions of law now in force, by which the fish committees of the towns of Wareham, Rochester and Carver are obliged annually in the month of March to give notice to the town clerks and to sell at public vendue the right to take and catch alewives at certain times and at certain places, each year, in the Weweantit River, are hereby suspended for the period of five years from the passage of this act. Certain provisions of law suspended for five years.

SECTION 3. Any person or persons, company or corporation who shall cause or permit any sawdust or other obstruction to the free passage of the said fish, or any drugs, dye-stuffs, acids, alkalies or any other substance destructive of the life of shad or alewives, to be deposited in or flow into said river or its tributaries at any time of the year, shall pay a fine of twenty-five dollars for each and every offence so committed. Obstructions to free passage of fish not permitted.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1877.

Chap. 142 AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF NEW BEDFORD WITH PURE WATER.

Be it enacted, &c., as follows :

May take water from Acushnet River.

SECTION 1. The city of New Bedford is hereby authorized to take and convey into and through said city the whole or any portion of the waters of the Acushnet River, and the waters which flow into or from the same; and all rights to take water granted by chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-three are hereby continued.

To file in registry of deeds a description of the amount taken.

SECTION 2. The Acushnet water board of said city shall be the agents of the city to do all things necessary to the taking of said waters. In order to entitle the city to take the waters aforesaid, the said Acushnet water board shall cause to be filed in the office of the registry of deeds for the southern district of the county of Bristol, a certificate signed by the said board or a major part thereof, containing a statement of the fact of said taking, and a description of the amount or portion so taken, and no other proceedings shall be necessary to entitle the said city to take and use said waters.

Liability for damages.

SECTION 3. The said city shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of said waters as aforesaid; and the like proceedings shall be had for the recovery of said damages as are provided in chapter one hundred and sixty-three of the acts of the year eighteen hundred sixty-three.

Rights of parties not to be affected.

SECTION 4. Nothing herein contained shall be construed to abridge or in any way to affect the claims of any person or persons against said city, growing out of any acts previous to the exercise of the rights of taking said waters herein granted, or to annul or in any way to affect any contract, settlement or purchase heretofore made by said city with any person or persons regarding the taking or using of said waters.

SECTION 5. This act shall take effect upon its passage.

Approved April 20, 1877.

Chap. 143 AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

Be it enacted, &c., as follows :

City of Salem may lay water pipes through Beverly, Danvers and Peabody.

SECTION 1. The city of Salem, for the purpose of more conveniently supplying its inhabitants with pure water, is hereby authorized to lay a water-pipe, commencing at a point of connection with the present pipes of the city of

Salem, in the town of Beverly, and thence through the streets of the towns of Beverly, Danvers, and through Margin Street in the town of Peabody, to a point of junction with pipes already laid in Salem: *provided*, that the said city shall be subject to all the duties and liabilities set forth in section five of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four.

SECTION 2. In case said pipes shall be so laid, said towns or either of them may require said city to insert therein proper hydrants at points not less than five hundred feet apart, to be used for the purpose of extinguishing fires, and for no other purpose; the expense of inserting said hydrants and keeping the same in repair to be paid by said towns respectively; and the town of Beverly shall have the right to connect its main eight inch pipe with said pipe at the junction of Cabot and Conant streets in said Beverly, and to make connections at such other points as may be agreed upon; said connections to be made in accordance with the provisions and subject to the restrictions named in chapter three hundred and eighty of the acts of the year eighteen hundred and sixty-nine.

SECTION 3. Said city of Salem is authorized to contract with either or all of said towns, and said towns or either of them are authorized to contract with each other, for the laying of said pipe or any part thereof, and said towns of Danvers and Peabody or either of them are authorized to contract with said city for the furnishing of water to said towns or either of them, or to the inhabitants thereof, subject to the restrictions named and with all the powers granted in "An Act to authorize cities and towns to purchase water-rights," passed upon the nineteenth day of March in the year of our Lord one thousand eight hundred and seventy, and being chapter ninety-third of the acts of that year.

Approved April 20, 1877.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO LAY AND MAINTAIN A MAIN DRAIN IN BOSTON.

Chap. 144

Be it enacted, &c., as follows:

SECTION 1. The city of Newton is hereby authorized, by its mayor and aldermen or by a board of three commissioners to be chosen by its city council, to lay and construct a main drain or common sewer on the southerly side of Charles River, through a portion of the Brighton district

Proviso.

Towns may require hydrants to be inserted for extinguishing fires.

Hydrants to be kept in repair by the towns.

City may contract with towns for laying pipes, and towns may contract for water.

May construct main drain through Brighton district to Charles River.

of the city of Boston to a point in the deep water of said river near the Fanenil Station on the Boston and Albany Railroad and opposite the United States Arsenal in Watertown, for the purpose of discharging the sewage of the city of Newton into said river; and such main drain, and the works hereinafter mentioned, shall be the property and under the exclusive control of the city of Newton, which shall keep and maintain the same in good order and condition.

May construct and maintain drainage works.

SECTION 2. The city of Newton may also construct and maintain at or near the place of discharge of said sewer such drainage works as it may deem necessary; but said sewer or works shall be so constructed as not to interfere with the navigation of said river or to create a public nuisance.

May take lands and buildings.

SECTION 3. The city of Newton may take such lands and buildings as may be necessary to accomplish the purposes of this act, and all damages sustained thereby shall be paid by the city of Newton, and the same may be ascertained and recovered in the manner now provided by law for the assessment of damages in the laying out of highways in the city of Boston.

May construct drain over or under water-course or town way.

SECTION 4. The city of Newton may construct such drain or sewer over or under any water-course, highway, town way, railroad or other way, may change the course of any brook, may enter upon and dig up the same for the purpose of constructing and maintaining such drain or sewer, and may do all such other acts as may be necessary to accomplish the work hereby authorized; but said city shall not unnecessarily interrupt public travel in the doing of said work, and the supreme judicial court in any county, or any justice thereof, in term time or vacation, upon complaint of the mayor or aldermen of Boston, or of any corporation whose rights are invaded, may direct the method of performing such work as may affect public travel, public rights or public health, and enforce such directions and orders by injunction or other suitable process.

Streets to be restored to good order and condition.

SECTION 5. Whenever the city of Newton shall dig up any highway, street or way, it shall restore the same to as good order and condition as the same was in when such digging commenced. And the city of Newton shall at all times indemnify and save harmless the city of Boston of and from all damages which may be sustained by it by

reason of any defect or want of repair in any street or way, caused by the construction, maintenance or repair of said drain or sewer.

SECTION 6. The city of Newton may within its corporate limits, construct any main drain or common sewer under any railroad, and maintain and repair the same; and it shall be liable to the corporation owning such road for all damages thereby sustained by it, to be recovered in an action of tort.

May construct drain under any railroad.

SECTION 7. The provisions of the fourth, fifth, sixth and seventh sections of chapter forty-eight of the General Statutes, and all other general laws, shall apply to said main drain or common sewer, so far as applicable; but no assessment shall be laid on any property outside the limits of said Newton.

Provisions of law to apply.

SECTION 8. This act shall take effect upon its acceptance by the city council of the city of Newton.

Subject to acceptance by the city council.

Approved April 20, 1877.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO BORROW MONEY FOR THE PURPOSE OF PAYING SUCH COSTS AND EXPENSES AS SAID COUNTY MAY BE REQUIRED TO PAY, UNDER THE PROVISIONS OF AN ACT RELATING TO SUNDERLAND BRIDGE.

Chap. 145

Be it enacted, &c., as follows:

The county commissioners of the county of Franklin may borrow, upon the credit of said county, a sum not exceeding two thousand dollars, for the purpose of paying such costs and expenses as said county may be required to pay under the provisions of chapter one hundred and seventy-five of the acts of the year eighteen hundred and seventy-five, entitled "An Act relating to Sunderland Bridge."

County commissioners of Franklin may borrow money.

Approved April 20, 1877.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE CITY OF SPRINGFIELD.

Chap. 146

Be it enacted, &c., as follows:

SECTION 1. The inhabitants of the city of Springfield, for all the purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate, in fact and in name, under the style and denomination of the City of Springfield, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

Inhabitants of Springfield to continue a body politic.

Mayor, nine aldermen and twenty-seven common councilmen.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be called the mayor, one council of nine, to be called the board of aldermen, one council of twenty-seven, to be called the common council (which bodies, in their joint capacity, shall be called the city council), and in such other boards as shall be hereinafter specified, or which shall be created under the provisions of this act, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices.

Division of the city into wards.

SECTION 3. The city council of said city shall, previous to the twentieth day of November next after the acceptance of this act, as hereinafter provided, and thereafter, whenever they may deem it expedient, but not oftener than once in five years, cause a new division of said city to be made into nine wards; and the said wards shall be so constituted as to contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the last census taken previous to such division; but no such division of said city into wards shall have the effect to change the boundary lines of any representative district previously established; and until such revision be made, the boundary lines of the wards of the said city shall remain as now established.

Warrants for meetings to be issued by board of aldermen.

SECTION 4. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the board of aldermen, and shall be in such form, and shall be served, executed and returned in such manner and at such times as the city council may by ordinance direct; and all elections shall be had at meetings of the citizens, qualified to vote therein, in their respective wards, at the times duly fixed for such elections respectively; and the board of aldermen shall, at least seven days before the day of any such election, issue a public notification to the voters of each ward, informing them of the time and place of voting and of the offices then to be filled by election, and shall within two days after such elections, examine and compare the returns and make out certificates of the result of such elections, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And the person receiving the highest number of votes for any office, at such meetings, shall be

deemed and declared to be elected to such office; and whenever two or more persons are to be elected to like office, the several persons, to the number required to be chosen, having the highest number of votes shall be declared elected: *provided*, always, that such persons were at the time of such election eligible to such office under the requirements of this act.

SECTION 5. An annual meeting for the election of municipal officers shall be held on the Tuesday next after the first Monday of December in each year, and the officers chosen thereat shall enter upon the duties of their respective offices on, and the municipal years of said city shall begin with, the first Monday of January.

Annual election.
Municipal year.

SECTION 6. All municipal officers of said city, whether elective or appointive, shall be, at the time of election or appointment, qualified voters, inhabitants of and resident in said city, and before entering upon their respective offices shall be duly sworn to faithfully perform the duties thereof by the mayor, the city clerk, the standing justice, or any special justice of the police court of the city of Springfield, or any judge or justice authorized to hold any court within the county of Hampden, or by any justice of the peace within said county; and the ward officers may also be sworn as follows:—the warden by the clerk of the ward, and the clerk and inspectors by the warden.

Officers to be
qualified voters
and residents
in city.

SECTION 7. The ward officers shall be a warden, clerk and three inspectors of elections for each ward, and the qualified voters of each ward shall, on the Tuesday next after the first Monday of December, annually, meet together in their several wards, at such place and hour as the board of aldermen may by their warrants appoint, and choose by ballot, a warden and a clerk for each ward, and shall give in their ballots for two persons, who shall be residents of the ward, to be inspectors of elections in such ward; and the three persons who shall have received the highest number of votes for the office of such inspector shall be declared to be elected to, and shall hold office in such ward as inspectors of elections for one year from the first Monday of January succeeding such election, and until others shall be duly elected and qualified in their stead. The warden and clerk, chosen as herein provided, shall hold office for one year from the first Monday of January next succeeding their election, and until others shall be duly chosen and qualified in their stead.

Warden, clerk
and inspectors
of elections.

Ward rooms
for holding
ward meetings.

SECTION 8. If it shall appear to the board of aldermen that no convenient ward room for holding ward meetings of the citizens of either of the wards of said city can be had within the limits of such ward, the said board of aldermen may, in their warrants for calling any meetings of such ward, appoint and direct such meetings to be held in some convenient place within the limits of any other ward of said city; and thereupon, all things done under such warrants, at such place so appointed, shall be held to be legally done.

Ward officers
to be sworn.

SECTION 9. The warden, clerk and inspectors shall respectively make oath faithfully and impartially to perform their several duties, and a certificate thereof shall be entered on the records of the ward by the clerk. It shall

Duty of warden.

be the duty of the warden to preside at all ward meetings, with the power of moderators of town meetings, and to assort, count and declare, in open ward meeting, all ballots given in at such meeting. It shall be the duty of the clerk to record all proceedings and certify the ballots given in at any election, in a book to be provided by the city for that purpose; to deliver to each person elected common councilman or ward officer, within forty-eight hours after his election, a certificate thereof, signed by the warden, clerk and a majority of the inspectors; to enter upon the ward records, in open ward meeting, the names of all persons receiving votes, the number of votes cast for each person, written in words at length, and the title of the office for which he is proposed; and a transcript of such record, certified by the warden, clerk and a majority of the inspectors, shall forthwith be delivered by such ward clerk to the city clerk. On the expiration of his term of office, the ward clerk shall deliver all books, records, documents, papers and other things held by him in his capacity as said clerk, to the city clerk, by whom such of them as need be shall be delivered to the new ward clerk. It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the ballots given in at any election.

Duty of ward
clerk.

If warden is
absent, clerk
to preside, etc.

SECTION 10. If at any ward meeting the warden shall not be present, the clerk of the ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen; and if at any meeting the clerk shall not be present, a clerk *pro tempore* shall be chosen, and if both the warden and clerk shall be absent, the senior in age of the

inspectors of elections of said ward present may preside until a warden *pro tempore* shall be chosen; and in case of the absence of all said officers, the officer who returns the warrant, or any legal voter in said ward, may call the meeting to order and preside until a warden *pro tempore* shall be chosen. Whenever any of the inspectors shall be absent, his office shall be filled *pro tempore*. All ward officers shall be chosen by ballot, and shall be residents in the wards where elected, and no person shall hold more than one ward office at the same time.

SECTION 11. It shall be the duty of the city clerk forthwith to enter the copies of the records of the several wards received from the ward clerks, certified as aforesaid, or a plain and intelligible abstract of them, upon the journal of the board of aldermen or a book kept for that purpose.

Copies of records received from ward clerks to be entered on journal of aldermen.

SECTION 12. The qualified voters of the city shall, on the Tuesday next after the first Monday of December succeeding the acceptance of this act, and on the Tuesday next after the first Monday of December in every second year thereafter, meet together in their several wards, at such place and hour as the board of aldermen may by their warrants appoint, and give in their ballots for a mayor of said city; and the person elected such mayor shall hold his office for the term of two years, beginning on the first Monday of January next after his election, and until another shall be duly chosen and qualified.

Election of mayor.

SECTION 13. The qualified voters of the city shall, on the Tuesday next after the first Monday of December succeeding the acceptance of this act, meet together in their several wards, at such place and hour as the board of aldermen may by their warrants appoint, and give in their ballots for nine persons to be and constitute the board of aldermen of said city, no two of whom shall be residents of any one ward in said city; and of those elected as such aldermen, the three persons who shall have received the largest number of votes shall be declared elected to, and shall hold, their offices for the term of three years, beginning on the first Monday of January next after their election, and until others shall be duly elected and qualified in their places; and the three persons who shall have received the next largest number of votes shall be declared elected to, and shall hold their offices for the term of two years, beginning on said first Monday of January, and until others shall be duly elected and qualified in their places;

Election of aldermen.

Term of office.

and the remaining three persons shall be declared elected to, and shall hold their offices for the term of one year, beginning on said first Monday of January, and until others shall be duly elected and qualified in their places. In case two or more of the persons so elected shall have received an equal number of votes, seniority of age shall be the basis for the division into classes hereby required. And thereafter, the qualified voters of the city shall, on the Tuesday next after the first Monday of December, annually, meet together in their several wards, at such place and hour as the board of aldermen may by their warrants appoint, and give in their ballots for three persons to be aldermen of said city, to succeed those whose terms of office are limited to terminate at the end of the then municipal year, for the term of three years, beginning on the first Monday of January next after their election, and until others shall be duly elected and qualified in their places : *provided*, always, that no two members of the said board shall be residents of any one ward, except in the case of change of residence from one ward to another, after election, as provided for in section twenty-four of this act, and that whenever it shall appear that an election in contravention of this provision has been made, such election shall be void, and the board of aldermen shall, forthwith, issue their warrant for a meeting to fill any vacancy so occurring ; and so, from time to time, until the whole number of aldermen required shall have been duly chosen.

Proviso.

Election of
common
councilmen.

SECTION 14. The qualified voters of each ward shall, on the Tuesday next after the first Monday of December succeeding the acceptance of this act, meet together in their several wards, at such place and hour as the board of aldermen may by their warrants appoint, and give in their ballots for three persons in each ward, all of whom shall be residents of the ward, to be members of the common council of said city, two for the term of one year, and one for the term of two years ; and thereafter on the Tuesday next after the first Monday of December, annually, said voters shall in like manner meet and give in their ballots for two persons, in each ward, both of whom shall be residents of the ward, to be members of the said common council, one for the term of one year and one for the term of two years ; and the persons elected at any of such meetings shall hold office for the terms for which they are respectively elected, beginning on the first Monday of January succeeding their

elections, and until others shall be duly elected and qualified in their stead: *provided*, that in voting for members of said common council, in all cases, the length of the term of office for which it is intended that each person voted for shall serve shall be indicated on the ballots given in by the words, printed or written, "for one year" or "for two years" as the case may require, and that ballots bearing no indication as to length of term shall be regarded as if there were printed or written thereon the words "for one year."

SECTION 15. Within two days after any election for mayor or aldermen, the board of aldermen shall examine the returns of votes from the several wards and cause the persons elected to be notified in writing thereof. If it shall appear by said returns that no person is elected mayor, or if the person elected declines to accept the office, the board shall cause the fact to be entered upon their records and issue their warrant for a new election; and the same proceedings shall be had in all respects as are provided with reference to the first election for mayor; and so on, from time to time, until a mayor is chosen who accepts the office.

SECTION 16. If the choice of aldermen, members of the common council, or ward officers, or of any of them, shall not be effected on the day named in any warrant for the election of such officers, duly issued as aforesaid, by reason of two or more persons receiving the same number of votes for the same office, the board of aldermen shall forthwith issue their warrant for a meeting for the election of such officers as are necessary to fill any vacancy so occurring.

SECTION 17. The persons elected aldermen and members of the common council shall, on the first Monday of January next after the acceptance of this act, meet in their respective rooms at ten o'clock in the forenoon. The aldermen shall be called to order by the senior alderman, and the councilmen by the senior councilman present; and when it shall appear that a quorum is present, each body shall choose a presiding officer *pro tempore*, and notify the other body of the fact. The two bodies shall then forthwith meet in convention, and notify the mayor elect, if any, thereof. The presiding officer *pro tempore*, of the aldermen shall preside at such convention, and the city clerk shall be clerk thereof. If the mayor elect shall then

Proviso.

Persons elected to be notified.

If there is no choice, new meeting to be held.

Organization of the city government.

Organization of
city govern-
ment.

attend, the oaths of office shall then be administered to the members of the board of aldermen and common council elect. If no mayor who accepts the office has been chosen prior to said first Monday of January, or in case of the absence of the mayor elect on said day, the oaths of office shall be administered by any one of the persons by this act authorized to administer such oaths; and the city government shall be organized and may proceed to business in the same manner as if the mayor were present. When said convention shall be dissolved, the two branches shall separate and meet in their respective rooms, and if a quorum shall be present, each shall proceed to elect by ballot a permanent presiding officer from its own number. The presiding officer of the board of aldermen shall be entitled chairman and that of the common council president. The city clerk shall be clerk of the board of aldermen, and the common council shall choose by ballot a clerk not a member thereof.

Aldermen and
councilmen to
meet in their
respective
rooms and be
sworn.

SECTION 18. On the first Monday of January, annually, after the first organization of the city government under this act, the aldermen and common councilmen, in office and elect, shall meet in their respective rooms, be called to order, meet in convention, notify the mayor, and proceed as provided in section seventeen of this act; but only such officers as have not been previously sworn need take the oath of office.

Chairman of
the board of
aldermen.

SECTION 19. The chairman of the board of aldermen shall hold office, as such, only during the municipal year in which he is chosen such chairman. He shall preside at all meetings of said board and at all conventions of the city council, shall appoint all committees of said board, and in case of any vacancy in the office of mayor for any cause, shall exercise all the powers, except the power of veto, and perform all the duties of mayor as long as such vacancy shall continue; he shall always have a vote in said board and in convention of the two branches, but shall not in addition have a casting vote. In his absence the said board shall choose by ballot a chairman *pro tempore*. In the absence of the mayor from the city, all notices or processes required by law to be served on the mayor, or on the mayor and aldermen, of said city, may be served on the chairman of said board of aldermen.

President of
the common
council.

SECTION 20. The common council shall meet and act as a separate body, distinct from the board of aldermen,

except when the two bodies meet in convention. The president of said council shall hold office, as such, only during the municipal year in which he is chosen such president. He shall preside over said board and appoint all committees thereof. In his absence the said council may choose by ballot a president *pro tempore*. The clerk of said council shall be sworn to the faithful discharge of his duties by the president of said board or by any officer authorized to administer oaths in the county of Hampden, and a certificate thereof shall be entered in the records of said board. He shall attend said council, when in session, keep a journal of its acts, votes and proceedings, and perform such other duties in said capacity as said council may require. In his absence a clerk *pro tempore* shall be chosen, and shall be duly qualified.

SECTION 21. Any person chosen a member of the board of aldermen or of the common council, who shall not be qualified at the organization of the city council on the first Monday in January, and any person who, after said organization, shall be elected to fill a vacancy in either of said boards, may be qualified at any time in presence of the board of aldermen and common council in convention, and the mayor elect may be qualified at any time in convention of said city council. A certificate of the oaths of office having been taken by the mayor, aldermen and members of the common council, shall in all cases, be entered on the journals of the board of aldermen and common council by their respective clerks.

Qualification
of members in
convention.

SECTION 22. In case of the decease, resignation or removal from office of the mayor, or of his ceasing to reside in said city, or of his inability to perform the duties of his office, the board of aldermen and the common council shall respectively by vote declare that a vacancy exists in said office, and the cause thereof; whereupon the board of aldermen shall issue its warrant in due form for the election of mayor, and the same proceedings shall be had as are hereinbefore provided for the choice of mayor, and the mayor thus elected shall hold his office for the unexpired term, and until another is chosen and qualified in his stead.

Vacancy in
office of mayor.

SECTION 23. Whenever it shall appear to the board of aldermen that there is a vacancy, by removal from the city, or by death, resignation or any other cause, in the board of aldermen or in the common council, it shall be the duty

Election to fill
vacancy in the
board of alder-
men, or common
council.

of the said board to issue its warrants to fill such vacancy, and the same proceedings shall be had as are hereinbefore prescribed for the election of aldermen and common councilmen ; but in case of a vacancy in the common council, such warrant shall not be issued until the board of aldermen receive notice thereof from said common council. The person elected to fill such vacancy shall serve for the unexpired term.

May continue in office after removal from ward, but not after removal from city.

SECTION 24. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal, after their election, out of their respective wards into any other wards of the city ; but they shall not hold said offices after they have ceased to be residents of the city.

Each board to keep record of its proceedings and be judge of qualifications of its members.

SECTION 25. The board of aldermen and the common council shall each keep a record of its proceedings and judge of the returns, elections and qualifications of its own members. A majority of each of said boards shall constitute a quorum for the transaction of business. All sittings of said boards and all conventions thereof, except when in executive session, shall be public. No member of either of said boards shall receive any compensation for his services as such, or hold any office of emolument the salary of which shall be payable from the city treasury, or be eligible to any such office except the office of mayor.

Mayor to be chief executive officer of city.

SECTION 26. The mayor, elected and qualified as herein provided, shall be the chief executive officer of said city. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be duly executed and enforced ; to exercise a general supervision over the conduct and acts of all subordinate officers, and examine into all complaints preferred against them for violation or neglect of duty ; and as far as is in his power, to cause all negligence, carelessness or violation of duty to be duly prosecuted and punished ; and whenever in his judgment the good of the city shall require it, he may call meetings of the city council, or either branch thereof, although the meeting of said branches, or either of them, may stand adjourned to a more distant day, by causing a written notice to be left at the place of residence of each member, or delivered to him in person, which notice shall be served not less than one day previous to such meeting, by the city marshal or an assistant marshal, and return thereof be made to the city clerk : *provided, however, that*

May call special meetings of city council.

Proviso.

no action shall be taken at any such meeting by either of said branches, on any matter pending therein, the consideration of which has been postponed to a more distant day, without the assent, to be ascertained by taking the yeas and nays upon a question thereon, of a majority of all the members of such branch. The mayor shall, from time to time, communicate to the city council, or either branch thereof, such information upon municipal matters as he may think proper, or if compatible with the public interest, such as either of the boards of said city council may request. He shall recommend all such measures as in his opinion may tend to the improvement of the finances, the police, health, security, cleanliness, comfort or general good of the city. All bills and accounts due from the city and approved in accordance with the requirements of this act, shall be presented to the mayor, who shall examine them in detail; and he shall certify them for payment if he finds them to be just and lawful claims against the city, and if payment is provided therefor in the appropriations of the city council. In all cases in which appointments are directed to be made by the mayor, or by the mayor and aldermen, the mayor shall have exclusive power of nomination, subject, however, to confirmation or rejection by the board of aldermen. He may, whenever in his opinion the public good requires it, remove any officer appointed on nomination by the mayor, and shall remove from office any person, appointed by him or his predecessors, upon being requested so to do by the city council. Whenever such removal occurs, and whenever a nomination by the mayor shall be rejected by said board, it shall be the duty of the mayor to make another nomination for the office concerned within one month thereafter. He shall at all times have the control and direction of the police force, subject only to the ordinances of the city and the rules and regulations established by the board of police and fire commissioners hereinafter named. He shall have such other powers and perform such other duties as the said city council may lawfully confer or reasonably impose upon him, in addition to those herein specified; but he shall not be appointed, nor serve as, a member of any committee of either of the boards of the city council. He shall be compensated for his services by a salary, to be fixed in the first instance by the board of aldermen and common council, first elected under the provisions of this

To examine bills
and accounts in
detail.

Power to re-
move officers.

To have control
of police force.

Compensation.

act, in convention assembled, and afterward from time to time by the city council, payable at stated periods, and he shall receive no other compensation or emolument therefor; and no regulation, enlarging or diminishing his salary, shall be made to take effect until the expiration of the term for which the mayor then in office shall have been elected; and said salary shall not be changed between the last Monday in November in any year, and the first Monday in January in the next year.

Estimate of expenses of departments to be furnished annually to board of finance.

SECTION 27. Every department of the city government, the school committee and all officers and boards having authority to expend money on behalf of said city shall, annually, in the month of February or March, furnish to the board of finance an estimate, in detail, of the amount of money required for the purposes of their respective departments and offices for the current financial year.

By-laws and ordinances.

SECTION 28. The city council shall have power within said city to make and establish such ordinances and by-laws, not inconsistent with the laws of the Commonwealth, as towns have power by law to make and establish; such ordinances and by-laws to have force and effect within such city, without revision or approval by the superior court or any justice thereof; and shall have power to modify, amend or repeal the same and any existing ordinances or by-laws, and to annex penalties, not exceeding twenty dollars, for the breach thereof.

Ordinances, orders, etc., to be presented to mayor for approval.

SECTION 29. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary (except on a question of convention of the two branches, or on the election of officers required to be chosen by either of the boards of the city council, or by the city council in convention, or in the matter of the removal of any person from office, or on the expulsion of a member), and every order of either branch of the city council involving the expenditure of money shall be presented to the mayor; and if he approves thereof, he shall signify his approbation by signing the same; but if he does not approve thereof, he shall return such ordinance, order, resolution or vote, with his objections in writing, to the branch in which it originated, and such branch shall enter such objections at large on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if after such

Veto power of mayor.

reconsideration, two-thirds of that branch present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council (if it originally required concurrent action), where it shall also be reconsidered, and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases, the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor, within ten days after it shall have been presented to him, the same shall be in force.

SECTION 30. In all cases where anything is or may be required or authorized by any law or ordinance to be done by the mayor and aldermen, the board of aldermen shall first act thereon; and any order, resolution or vote of said board in relation thereto shall be presented to the mayor for his approval, in the manner provided in the preceding section.

Board of aldermen to act first upon matters required to be done by mayor and aldermen.

SECTION 31. The mayor and all other officers or boards having the right of appointment to, or removal from, any office or place shall forthwith, after any such appointment or removal, communicate the fact to the city council, and, in case of removal, the reasons therefor.

Appointments and removals to be reported to city council.

SECTION 32. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring and enforcing bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of all city buildings and the custody and management of all city property, except so far as the same is herein, or may hereafter lawfully be, assigned to any of the boards hereinafter provided for, with power to let or sell what may be legally let or sold, and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it; and shall, as often as once a year, cause to be published for the information of the inhabitants of the city, a particular account of receipts and expenditures and a schedule of city property and of the city debts.

City council to have care of public property.

SECTION 33. The city council shall fix the compensation of all officers, including that of all members of the

City council to fix compensation of all officers.

police and fire departments, and shall define their duties, so far as the same are not determined by the laws of the Commonwealth, or herein established, or otherwise herein provided for, and all sums of money, received by any officer in his official capacity from any source, shall be duly accounted for and paid over to the city collector monthly.

City officials may be summoned before either branch of city government.

Summons in writing to be issued.

Penalty for not attending, as required in summons.

SECTION 34. The city council, in convention, or either board thereof sitting separately, shall have power to summon any person, except the mayor, holding any office or place elective or appointive under the provisions of this act, or of any act in addition thereto or in amendment thereof, or under the ordinances of said city, to appear before it and give such information as it may require, and answer such questions as it may desire to ask, in relation to any matter, act or thing connected with his office or place, or his discharge of the duties thereof: *provided*, that in all cases, a summons in writing shall be issued therefor, which shall contain a statement of the subject matter as to which information is sought and of the time when and place where the person summoned is required to appear; and, *provided*, that such summons shall be served by personal service upon the person therein required to appear, and notice thereof given to the mayor, at least six days before the time therein fixed for such appearance. Said summons and notice shall be served by the city marshal, or an assistant marshal, or some officer of said city having the power of serving civil process, and return shall be made thereof to the presiding officer of the board issuing the same. If the person so summoned neglects to attend as in said summons required, or shall wilfully refuse or refrain from giving such information within his knowledge, or to answer such questions if he is able, as may, with the sanction of a majority of the body by whom said summons was issued, be sought from or propounded to him, the body so summoning may, by vote of two-thirds of the members thereof, then present and voting, declare such person to be in contempt of said body; and if such contempt shall be continued beyond the time of adjournment of the next meeting of said body, held after the expiration of seven days from the date of the meeting at which such contempt was declared, the city council, by a concurrent vote of two-thirds of each branch thereof, may remove such person from his said office or place, and

declare the same to be vacant; and thereupon, said office or place shall be filled in the manner provided herein for filling the same in case of vacancy arising from any other cause.

SECTION 35. Either board of the city council may, for cause, expel any of its members, by vote of two-thirds of the whole number thereof, taken by yeas and nays: *provided, however*, that no member against whom proceedings for such expulsion are pending shall be allowed to vote in any matter relating thereto, and that no member shall be so expelled until he shall have had an opportunity to be heard in person and by counsel upon all matters of complaint upon which proceedings for his expulsion shall be founded, and shall have had at least six days in which to prepare himself therefor. Whenever a member shall be so expelled, his place in the expelling board shall be thereby made vacant, and the board of aldermen shall forthwith issue its warrant for an election to fill such vacancy, and like proceedings shall be had as are provided herein for filling vacancies in said board arising from any other cause.

Either board may expel any of its members by a two-thirds vote.

SECTION 36. The city council may by concurrent vote of two-thirds of the whole number of members of each board thereof, taken by yeas and nays, remove for cause, the mayor from office: *provided, however*, that wilful malfeasance, misfeasance or neglect of duty in office, or mental or physical disability therefor, shall be the only causes sufficient to authorize such removal; and *provided, further*, that no vote for such removal shall be taken in either of said boards until the said mayor shall have had an opportunity to be heard thereon, in person and by counsel, before said city council assembled in convention, upon all matters of complaint on which proceedings for his removal shall be founded, and shall have had at least six days in which to prepare himself therefor. Whenever a mayor is so removed from office, the vacancy occasioned thereby shall be filled in the manner herein provided for filling vacancies in the office of mayor occurring from other causes.

Mayor may be removed by concurrent vote of two-thirds of whole number of members of each board.

Provisos.

SECTION 37. The executive power of said city generally, together with the administration of the police, and all the powers vested in the selectmen of towns by the laws of the Commonwealth, shall be, and hereby are, vested in the mayor and aldermen and the several boards created by

Executive powers of city.

or under the provisions of this act; as fully as if the same were herein specially enumerated; and the mayor and aldermen shall have full and exclusive power and authority to appoint in the manner hereinafter specified, a city marshal and assistant marshal or marshals, with the powers and duties of constables, and such number of constables as they shall deem expedient, and the same may be removed by the mayor.

Powers vested in mayor, aldermen and common council.

SECTION 38. All other powers vested in the inhabitants of towns in this Commonwealth, and all powers herein granted, except such as are or may be vested in the boards created by or under this act, and all other powers heretofore by law vested in the city of Springfield, or in the inhabitants thereof as a municipal corporation, or in the city council of the city of Springfield, so far as the same shall be consistent with this act, shall be and are hereby continued, to be vested in the mayor, the board of aldermen and the board of common council of said city, to be exercised by said last named boards by concurrent vote, each board having a negative upon the other, and the mayor having a veto power as hereinbefore provided. But the city council shall annually, within two months after their organization, elect by joint ballot, in convention, a city clerk, a city treasurer and a city collector, and shall by ordinance provide for the election or appointment of all other officers necessary for the good government, peace and health of the city, not herein otherwise provided for, to hold their offices for the term of one year from the first Monday of April, and until their successors shall be chosen and qualified: *provided, however*, that any officer elected by the city council may be removed at any time by said council for sufficient cause; and that in case of the death, resignation or removal of any officer elected by the city council, his place shall be filled in the manner provided in this section for the election of city officers; and that any person elected to fill a vacancy shall hold office only for the unexpired term; and that said city council may at any time, by ordinance, provide for the election or appointment of any officers, and constitute any board or boards of commissioners for municipal purposes, not herein provided for, and for the election or appointment or removal of such officers and the members of such boards, and determine their terms of office and compensation; and may confer upon and delegate to such

City clerk, treasurer and collector.

Officers elected by city council may be removed for cause.

officers or boards any powers and duties which now are, or may hereafter be vested in said city council, or either branch thereof, which shall not contravene any provisions hereof or of the statutes of the Commonwealth; *provided, further*, that no additional boards of commissioners shall be constituted without the concurrent vote of two-thirds of the whole number of members of each board of the city council, and that any new officers or new boards of commissioners, created under the provisions of this section, may be abolished by concurrent vote of two-thirds of the whole number of members of each board of said city council; and *provided*, that no member or members of the board of aldermen or of the common council, acting either individually or as a committee, shall make any disbursement of public money or perform any executive duty whatever, except as specially authorized by law, and that the appropriations for each department and office of the city shall define, as far as practicable, the specific purposes for which the money appropriated is to be expended, and that no expenditure, nor any contract or agreement involving the payment of money shall be made in any department or office, or by any board, commissioner or officer for the city, for any purpose not included in the appropriation made by the city council, or in excess of the appropriation so made, unless by vote of two-thirds of the whole of each branch of the city council first obtained therefor; and *provided*, that no transfer of an appropriation from one department or office to another, or from one specific object to another in the same department or office, shall be made without the consent of the city council; and that no money shall be paid out of the treasury of the city unless the same shall be for an expenditure expressly authorized by law, and the bill, account or contract for the same shall have been approved by the board, commissioners, committee or person under whose authority it has been authorized and made, nor unless it has been examined, certified and drawn for by the mayor.

Boards of commissioners may be created by a two-thirds vote of the whole number of each board of the city council.

Transfer of appropriations.

SECTION 39. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the board of aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him, and shall deliver all journals, records, papers and documents, and other things

City clerk to be sworn.

intrusted to him as city clerk, to his successor in office. He shall also perform all the duties and exercise all the powers by law incumbent upon, or vested in, clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen, shall attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen.

City clerk to be clerk of the board of aldermen.

City treasurer.

SECTION 40. The city treasurer shall be the custodian of all moneys, bonds (except his own official bond which shall be in the custody of the city collector), certificates of indebtedness, notes, mortgages and other securities belonging to the city. He shall deposit the money belonging to the city in such bank or banks as he, having reference to the wishes of the sureties on his bond, shall select. He shall have all the powers appertaining to town treasurers, and shall perform all the acts and duties incumbent upon such treasurers, or upon him by virtue of his office, except those powers and duties herein given and assigned to the city collector, and shall do and perform such other duties as shall be lawfully imposed upon him by statute of the Commonwealth or ordinance of said city, or with the approval of the city council, by the board of finance.

Same person may be clerk and treasurer.

SECTION 41. The offices of city clerk and city treasurer may be held by one and the same person.

Assistant city clerk and assistant city treasurer.

SECTION 42. The city council may establish by ordinance the offices of assistant city clerk and assistant city treasurer, or either of such offices, and provide for the appointment or election of persons to hold the same; and the said offices may be held by one and the same person, and the persons elected or appointed to said offices shall hold the same only for the remainder of the municipal year in which they are appointed or elected, and they may be removed, and said offices may be abolished at any time by the city council. They shall respectively have such powers and perform such duties, appertaining to the offices to which they are respectively assistant, consistent with the provisions of this act and of law, as the city council shall by ordinance prescribe.

SECTION 43. Whenever either the city clerk, the city treasurer or the city collector shall be temporarily unable to perform the duties of his office by reason of sickness, absence from the city or other disability, the mayor by and with the consent of the board of aldermen, may appoint some suitable person to be and act as city clerk or city treasurer or city collector, as the case may be, *pro tempore*; and every person so appointed shall, after being duly qualified, hold the office, with all the powers and subject to all the duties thereunto appertaining, until the absence or disability of the officer whose place he fills shall cease, or until another shall be duly appointed or elected to such place, but may be removed therefrom at any time by the mayor.

If clerk, treasurer or collector is absent, etc., offices may be filled *pro tempore*.

SECTION 44. Every person elected or appointed to the office of assistant city clerk, or city clerk *pro tempore*, shall be duly sworn to the faithful discharge of the duties thereof; and every person elected or appointed to the office of treasurer, or collector, or assistant treasurer, or treasurer *pro tempore*, or collector *pro tempore*, shall, before entering upon the duties of his office, give such bond, in such sum and with such sureties and on such conditions as the city council may require and approve.

Assistant clerk to be sworn.

Assistant treasurer or collector to give bond.

SECTION 45. The city collector shall be, and shall have all the powers now possessed by, and perform all the duties incumbent upon, the collector of taxes of said city, and shall also have power, and it shall be his duty, to collect and receive all assessments, betterments, notes, duties, dues, fines, forfeitures and moneys payable on any account to said city; and he shall have all the powers with respect to such collections, and for the bringing of suits and instituting prosecutions, or legal process of any kind, heretofore possessed by the treasurer of said city, and such other powers as may be lawfully conferred on him by said city council. He shall be custodian of the official bond of the city treasurer. He shall pay over all moneys received by him as such collector to the city treasurer within twenty-four hours after receiving the same (the hours of Sunday not counted), and shall take said treasurer's receipt therefor, in duplicate, one copy of which he shall forthwith deliver to the mayor. He shall perform such other duties as may lawfully be required of him by ordinance or order of the city council or statutes of the Commonwealth, or, with the approval of the city council, by the board of finance.

City collector to collect money and pay over to treasurer.

Officers to hold
offices for the
term for which
elected.

SECTION 46. The persons heretofore chosen and now holding office in said city, as assessors, assistant assessors and overseers of the poor shall continue to hold their respective offices for and during the full term for which they were respectively elected; and assessors and assistant assessors, and overseers of the poor of said city, shall continue to be elected as provided by and in accordance with chapter one hundred and twenty-six of the acts of the year eighteen hundred and seventy-three; but all the rights, powers, duties and acts of the persons so elected overseers of the poor, shall be had, exercised, performed and done as members of the board of overseers of the poor and of health hereinafter provided for and established under the provisions of this act. The assessors thus chosen shall constitute the board of assessors for the city, and shall exercise the powers and be subject to the duties and liabilities of assessors of towns in this Commonwealth, and shall be sworn to the faithful performance of the duties of their office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish additional provisions not inconsistent therewith. The assistant assessors shall be duly sworn to the faithful discharge of their duties, and shall assist the assessors in the performance of their duties.

Assistant assess-
ors to be sworn.

School com-
mittee.

SECTION 47. The school committee of said city shall continue to exist as now constituted, and the present members thereof shall continue to have and exercise all the rights and do and perform all of the acts and duties appertaining to the office of member of the school committee of said city, as now established by law, for and during the full term for which they were respectively elected; and whenever the terms of office of any of the present members of said committee shall expire, their places shall be filled by persons elected in the manner now provided by law for the election of members of the school committee of said city: *provided, however*, that when it shall become necessary to elect a person to succeed or fill the place of the present member at large of said committee, the person elected therefor shall be a resident of the ward which, by reason of the increase of the number of wards of said city herein provided for, shall not then be represented in said board; and thereafter no two members of said committee shall when elected be residents

Vacancies.

of the same ward; and in case two or more of the persons who appear to have received a majority of votes over others, in any election for members of said school committee, shall be found to be residents of the same ward, the one having the larger number of votes, or in case two or all of them shall have had an equal number of votes, the senior by age of them shall be held and declared to be elected, and the balloting shall be otherwise of no effect; and the board of aldermen shall forthwith issue their warrant for a meeting of the citizens for a new election to fill any vacancies so caused, and so from time to time, as often as may be necessary, until the whole number of members of said committee required to be chosen shall have been duly elected; and *provided*, that the mayor shall be *ex officio* a member and chairman of said committee, but shall have no vote therein, except when his vote if cast would determine a question. In the absence of the mayor said committee shall elect a chairman *pro tempore*. All sums appropriated by the city council for the erection, maintenance, repairs or alteration of or supplies for school-houses, or for any educational purposes, shall be placed to the credit of and be subject to the order and disposal of said committee; and said committee shall have the right to expend the same for said purposes, as it may deem best; and to appoint all officers, teachers, agents or other persons necessary for its purposes, fix their compensation and discharge them at pleasure.

Mayor to be
a member, *ex*
officio.

SECTION 48. If any person elected a member of the school committee, after being duly notified of his election as hereinbefore provided, shall refuse or neglect to accept said office, or if any member of such committee shall decline to further serve as such, or by reason of change of residence or other cause shall become disqualified or unable to act as or attend to the duties of a member of said committee, the remaining members shall in writing certify the fact to the board of aldermen of the city, and the two boards, to wit:—the board of aldermen and the board of school committee, shall thereupon, after giving public notice of at least one week, convene at the place of meeting of the board of aldermen at a time appointed by the mayor, and proceed to fill such vacancy by electing by joint ballot a suitable person in his stead, who shall be an inhabitant of said city and a resident of the ward in which the person whose place he is to fill resided at the

Vacancies in
school commit-
tee, how filled.

time of his election; and a majority of the ballots of all persons entitled to vote in said boards shall be necessary to an election in such case. And if all the persons elected as members of the school committee, after having been duly notified of their election, shall refuse or neglect to accept the office or having accepted shall afterwards decline further service, or become disqualified or unable to act with or attend to the duties of such a committee, the board of aldermen and common council, in convention, shall after giving like public notice proceed to elect, by joint ballot, a new school committee, in accordance with the requirements as to the residence of members hereinbefore made; and the majority of the ballots of the entire number of those entitled to vote in such convention shall be necessary to an election in such case. The term of service of every member elected in pursuance of the provisions of this section, shall end with the municipal year in which he is chosen, and if the vacancy which he was elected to fill was for a longer period, it shall at the first annual election after the occurrence of the vacancy be filled in the manner prescribed for original elections of the school committee.

Appointment
of city marshal,
constables, etc.

SECTION 49. The mayor, by and with the advice and consent of the board of aldermen, shall annually in the month of January or February, and as often as may be required to fill vacancies, appoint the following named officers, to wit:—a city marshal, an assistant marshal, such other assistant marshals, and such constables as he, with the approval of the board of aldermen, may deem to be required for the public service; a captain of the watch, a chief engineer of the fire department, such number of assistant engineers as any ordinance of the city council shall or may require, a superintendent of charities, a superintendent of water works, a superintendent of streets and sewers, a superintendent of buildings, a superintendent of fire alarms, a city physician, a city surveyor, and such a number of fence viewers, field drivers, surveyors of lumber, measurers of wood and bark, measurers of grain, inspectors of lime, inspectors of milk, inspectors of petroleum, sealers of weights and measures, pound keepers and weighers of coal, as are or may be by law required to be appointed or chosen, all of whom shall be duly sworn to the faithful discharge of their duties, and shall hold office for one year, beginning on the first Monday of April next

after their appointment, and until others are duly appointed and qualified in their stead, but may be removed at any time by the mayor.

SECTION 50. The city marshal and assistant marshal or assistant marshals, and the captain of the watch, appointed as provided in the preceding section, shall have all the powers and duties of constables, and such other powers in addition to those which are conferred or imposed upon such officers by this act, as may be lawfully conferred or imposed upon them by the city council, and shall severally give such bonds, upon such conditions as are required by law to be given by constables in qualification for service in civil process, in such sums and with such sureties as the mayor and aldermen shall approve, upon which bonds like proceedings and remedies may be had as upon those given by constables to selectmen of towns; and they shall respectively have all the powers and perform all the duties now possessed by or incumbent upon such officers of said city, except as the same may be modified by this act. And the city marshal shall also have such powers and perform such duties as, with the approval of the city council, may lawfully be conferred or imposed upon him by any board of commissioners of which he may be a member.

Marshal and assistants to have powers of constables.

SECTION 51. The engineers of the fire department shall have the powers and authority in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties incumbent upon fire-wards, which are vested in and conferred upon fire-wards and engineers of fire departments by the statutes of this Commonwealth, and such other powers and duties, in addition to those specified in this act, as shall lawfully be conferred or imposed upon them by the city council, or with the approval of the city council, by the board of fire and police commissioners established under the provisions of this act.

Engineers of the fire department.

SECTION 52. The superintendent of charities, the superintendent of water works, the superintendent of streets and sewers, the superintendent of buildings, the superintendent of fire alarms, the city physician and the city surveyor, shall respectively have such powers and perform such duties, in addition to those herein specified, as shall lawfully be conferred or imposed upon them respectively by the city council, or with the approval of the city council, by any board of commissioners of which

Superintendents of boards, etc.

they may respectively be members. The superintendent of charities shall act as and be the agent of the board of overseers of the poor and of health of said city, and shall do and perform such acts and things, in relation to the care and relief, support, burial, removal and disposition of paupers, or indigent persons, or insane paupers, as the said board may lawfully direct and empower him to do and perform. The other officers named in this section shall have such powers and perform such duties as are or may be conferred or imposed on such officers by statutes of the Commonwealth, or lawfully by said city council.

Overseers of
poor and board
of health.

SECTION 53. The mayor, the superintendent of charities, the city physician and the city marshal, (each *ex officio*), and the persons heretofore chosen, now holding office as overseers of the poor in said city, and their successors in office, elected in accordance with the provisions of chapter one hundred and twenty-six of the acts of eighteen hundred and seventy-three, shall constitute and be a board of overseers of the poor and of health of said city. The mayor shall be *ex officio*, chairman, and the city physician, *ex officio*, clerk of said board. The said board shall be organized annually on the first Monday in April, and shall have and exercise all the powers and perform all the duties of overseers of the poor as required by the statutes of the Commonwealth, subject to all ordinances of the city not inconsistent with law; and no other provision for overseers of the poor need be made by said city. And said board shall on and after the first Monday of April next after the acceptance of this act, have and exercise all the rights and powers, and perform all the duties of the board of health, as the said board of health is now constituted in said city. The board of health of said city as now constituted shall continue to have and exercise all the rights and powers, and perform all the duties, now vested in or imposed upon said board by existing law or ordinances, until said first Monday of April next after the acceptance of this act, when its rights and powers shall cease and vest in said board of overseers of the poor and of health.

Fire and police
commissioners.

SECTION 54. The mayor, the chief engineer of the fire department, the city marshal, each *ex officio*, and two citizens, to be chosen as hereinafter provided, shall constitute and be a board of fire and police commissioners for said city. The citizen members of said board shall be chosen

as follows, to wit:—within two months after the organization of the first city council elected under the provisions of this act, the said city council in convention shall, by joint ballot, elect two citizens of said city, neither of whom shall be a member of either branch of the city council, to be members of said board, one for the term of one year, and one for the term of two years, beginning on the first Monday of April then next; and thereafter annually, within two months after its organization, said city council shall in convention, by joint ballot elect one citizen of said city, not a member of either branch of said city council, to be a member of said board for the term of two years, beginning on the first Monday of April then next, and the said persons so elected shall hold their offices until others are duly elected and qualified in their stead. The mayor shall be chairman of said board. The said board shall organize on the first Monday of April in each year, or as soon as practicable thereafter, and shall choose one of its members to be clerk thereof, who shall keep a record of the proceedings of said board and perform such other duties as said board shall assign to him. Said board shall appoint all such officers and members of the fire and police departments as are not herein provided to be otherwise appointed, as may be required by any ordinance of the city council for said departments; and the persons appointed by them shall hold their respective places until the same shall be vacated by death, resignation or removal for cause. Said board shall, subject to the approval of the city council, prescribe the duties of the officers and members of said departments, except in matters regulated by statute of the Commonwealth or ordinances of said city, and make rules and regulations for their own government and for the government of all other officers and members of the said departments (including the fire alarm telegraph and the operator thereof), as they may deem expedient, providing that such duties, rules and regulations shall not contravene or be inconsistent with any statute of the Commonwealth or any ordinance or order of the said city council. Said board shall, in accordance with law and the ordinances and orders of the city council of said city, purchase all things necessary for the use and equipment of the said departments: *provided, however*, that every expenditure therefor shall have been previously authorized, and an appropriation made therefor by said city council. Said board shall

Organization
of board.

To prescribe
the duties of
officers and
members of
departments.

May appoint
temporary and
special police-
men.

investigate all complaints and charges against any member of said departments, appointed by said board, and if they find any member thereof guilty of a breach of the laws, or of the ordinances of the city, or of any of the rules or regulations of the department, shall remove him from his place, assigning the reasons therefor, or shall inflict the penalty provided by ordinance, or by the rules or regulations of the said departments; but no member shall be so removed, unless he shall first have had an opportunity to be heard in his defence before said board, and at least six days in which to prepare therefor. Said board may, whenever they deem it necessary or expedient, appoint such number of temporary policemen as occasion may require, fix their compensation and term of service, and remove them at pleasure; and, upon the written application of any responsible corporation or person, they may appoint suitable persons to be special policemen, to serve without pay from the city, under such regulations as said board may deem expedient, with the power of police officers to preserve order and enforce the laws and the ordinances of the city, in and about any place, building or locality specified in the application: *provided*, that such corporation or persons making such application shall give bond satisfactory to the said board, to be liable to and indemnify the city from any claims of any party or parties aggrieved by any official misconduct of such special police officer, to the same extent as for the torts of agents or servants in their employment, and that any appointment of such special police officer may be revoked by said board or by the mayor at any time. A record of all appointments and removals made by said board shall be kept by the clerk thereof. No person shall hereafter be appointed to any position or office in said police department who is not a citizen of the United States, who has not been a resident of and paid taxes to said city for at least one year preceding his appointment, or who cannot read and write understandingly the English language.

Board of com-
missioners of
public works.

SECTION 55. The mayor, the city surveyor, the superintendent of streets and sewers, the superintendent of water works, the superintendent of buildings, each *ex officio*, and two citizens to be elected as hereinafter provided, shall constitute and be a board of commissioners of public works of said city. The citizen members of said board shall be chosen as follows, to wit:

Within two months after the organization of the first city council elected under the provisions of this act, the said city council in convention shall, by joint ballot, elect two citizens of said city, neither of whom shall be a member of either branch of said city council, to be members of said board, one for the term of one year, and one for the term of two years, beginning on the first Monday of April then next; and thereafter annually within two months after its organization said city council shall in convention, by joint ballot elect one citizen of said city, not a member of either branch of said city council, to be a member of said board for the term of two years, beginning on the first Monday of April then next; and the persons so elected shall hold their offices until others are duly elected and qualified in their stead. The mayor shall be chairman of said board. The said board shall organize on the first Monday in April in each year, or as soon as practicable thereafter. The city surveyor shall be clerk of said board, and shall keep a record of its doings and certify the same when there is occasion therefor, and shall make all plans and surveys required for the use of said board. In case of the absence or inability of said clerk to act, said board shall choose a clerk *pro tempore*. It shall be the duty of said board to hold hearings, investigate and report on all matters referred to them by the city council or mayor and aldermen, or board of aldermen, relating to the laying out, altering, widening, discontinuing, change of grade, or repairing of the streets of said city; also on all matters so referred to them, relating to the laying out, establishing, change of grade, constructing, paving, altering, repairing or repaving sidewalks therein; and also, on all matters so referred to them relating to the laying out, maintenance, constructing, altering or repairing sewers and drains therein. The said board shall have the care and custody of the public property of said city, except as is otherwise provided by law or ordinance: *provided*, that the existing ordinance of said city, as to the powers and duties of the committee on city property, shall be of no effect after the organization of said board, so far as it confers any executive powers on said committee; and said board shall provide for all the labor, and purchase all the materials necessary for repairs to be made or done upon such property, and shall superintend all such labor or repairs: *provided*, that all expend-

Mayor to be
chairman of
board.

Duties of board.

To have care
and custody of
public property.

The word
"street" de-
fined.

Sinking fund
for payment of
Springfield
Water Bonds.

itures made by said board shall have been previously authorized and an appropriation made therefor by the city council. Said board shall also perform such further duties relating to streets, bridges, sidewalks, sewers, drains or other public works, parks, squares and public places, including the estimate of damages and betterments, as the city council shall by ordinance or order, not repugnant to law, from time to time prescribe or direct. The word street in this act shall include highways, town ways, lanes and alleys. The said board shall also, on and after the first Monday of April next after the acceptance of this act, have and exercise all the rights, powers and authority vested in, and perform all the duties imposed upon, the board of water commissioners of said city, under chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two: *provided*, that the board of water commissioners of said city, as now constituted, shall continue to have and exercise all the rights and powers, and perform all the duties now vested in or imposed upon them by existing law, until said first Monday of April next after the acceptance of this act, when their rights and powers shall cease and vest in said board of commissioners of public works by this act established; and *provided, further*, that said city council may at any time establish a sinking fund, in accordance with the statutes of the Commonwealth regulating or concerning sinking funds of cities and towns, and thereby provide for the payment of the principal of the bonds denominated "Springfield Water Bonds," in connection with other indebtedness of said city, notwithstanding any provision of any previous act; and that whenever said city council shall have established such a sinking fund, the functions of said board of commissioners of public works as trustees of any sinking fund, if any, established under the provisions of any previous act, shall cease, and the same shall vest in and be devolved upon the board of finance herein provided for and established. The said board may, subject to the approval of the city council, appoint and employ such agents, clerks, artisans or laborers, for the working and management of the business of the water works under their control, as they may deem necessary, and fix their compensation, term of service and duties, and discharge them at their pleasure.

SECTION 56. The mayor, city treasurer, and city collector, all *ex officio*, and two citizens to be elected as hereinafter provided, shall constitute and be a board of finance of said city. The citizen members of said board shall be chosen as follows, to wit:—Within two months after the organization of the first city council elected under the provisions of this act, the said city council in convention shall, by joint ballot, elect two citizens of said city, neither of whom shall be a member of either branch of said city council, to be members of said board, one for the term of one year, and one for the term of two years, beginning on the first Monday of April then next; and thereafter annually, within two months after its organization, said city council shall in convention by joint ballot, elect one citizen of said city, not a member of either branch of said city council, to be a member of said board for the term of two years, beginning on the first Monday of April then next; and the persons so elected shall hold their offices until others are duly elected and qualified in their stead. The mayor shall be chairman of said board. The said board shall organize on the first Monday in April in each year, or as soon as practicable thereafter. The city treasurer shall be clerk of said board and shall keep a record of its doings and certify the same when there is occasion therefor. In case of the absence or inability of said clerk to act, said board shall choose a clerk *pro tempore*. The said board shall have charge and be trustees of any sinking fund which may be created or established by said city council. The said board, whenever any claim for damages either to persons or property shall be made against the city, shall forthwith examine into all the facts connected with the said claim and take such measures in reference thereto as they may deem best for the interests of the city. They shall annually in the month of February, March or April, lay before the city council an estimate of the amount of money necessary to be raised by taxation for the ensuing year, including payments on the city debt, giving in detail the amount of appropriation required for each department and office of the city government, with an estimate of the income of the city from all sources; and shall, from time to time, furnish such other estimates and statements as may be requested by the city council or either branch thereof. The said board shall twice, within each financial year,

Board of
finance.

Mayor to be
chairman of
board.

To make esti-
mate of money
to be raised by
tax.

To examine accounts of treasurer and collector, etc., and report to city council.

in the month of May and November, examine the accounts of the city treasurer and the city collector, and the accounts, books and records of any board or committee or person having the right of receiving or expending money of the city, together with the money, securities and property of every kind in their possession belonging to the said city, and report the result of said examination to the city council: *provided, however*, that the examination of the accounts of the city treasurer and collector herein provided for shall be made by the other members of the board. The said board shall invest, re-invest or change investment of any funds of said city, in accordance with the orders of said city council; and shall examine and report upon any matter committed to them by said city council.

Boards of commissioners, etc., to perform such other acts as the city council may direct.

SECTION 57. The board of fire and police commissioners, the board of overseers of the poor and of health, the board of commissioners of public works and the board of finance, established under the provisions of this act, shall in addition to those specified herein, respectively have and exercise such other powers, and perform such other acts not in contravention of law, as said city council shall from time to time confer or impose upon them. Until said board shall respectively have been duly organized according to the provisions of this act, the powers hereby vested in and imposed upon them respectively, shall continue to be, as far as the same now are, vested in and performed by the respective officers and boards now by statute or ordinance invested or charged with the same: *provided*, that no appointments, whether to fill vacancies or otherwise, to places over which either of said boards is to have, upon organization, power of appointment, shall be made for a term to extend beyond the time herein fixed for the organization of the board which is to have such power of appointment. Members of said board shall receive no compensation for their services as such, but shall be reimbursed for all expenses or outlays necessarily incurred in the discharge of their duties as such members from the city treasury, upon the order of the mayor, but this provision shall not be held to apply to the salaries of the *ex officio* members of such boards. All members of said boards, except members *ex officio*, and all clerks, whether permanent or *pro tempore*, shall before entering upon their duties be duly sworn by the chairman of the respective boards of which they were elected such members or clerks,

Members to serve without compensation.

or by any justice of the peace or other officer authorized to administer oaths in Hampden County, and a certificate thereof shall be entered upon the records of such boards. Any of said boards may carry out its purposes by or through a committee of its own body selected as it may determine. The records and papers of each of said boards shall, at all times when required, be open to the inspection of the city council, or either branch thereof, or any committee or person directed by said city council, or either branch thereof, to examine the same. Vacancies occurring in any of said boards shall be filled in the manner in this act provided for the election or appointment of the member thereof whose place is vacated. In the absence of the permanent chairman or clerk of any of said boards, a chairman or clerk *pro tempore* shall be chosen by such board. The city council may at any time for cause, remove any member of any of said boards, whose place it has power to fill.

Records to be open to inspection of city council.

SECTION 58. The police court heretofore established in said city shall continue as now established, and have and exercise all the jurisdiction and powers which said court now has and exercises; and no statute of the Commonwealth having relation to said court shall be repealed or in any manner affected by this act; and all fines, forfeitures and penalties accruing for the breach of any by-law or ordinance of the city council of said city may be prosecuted for and recovered before said police court, in the same manner as like fines, forfeitures and penalties are now prosecuted for and recovered before said court: *provided*, that all such fines, forfeitures and penalties so recovered and paid shall be paid to the collector of the city of Springfield, on and after the first Monday of April next after the acceptance of this act.

Police court to continue as now established.

Proviso.

SECTION 59. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that such repeal shall not revive any law heretofore repealed or superseded, nor any office heretofore abolished; it shall not affect any act done, or any right accruing, accrued or established, or any proceedings, doings or acts, ratified or confirmed, or any suit or proceeding had or commenced before the repeal takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act; it shall not affect any penalty or forfeiture incurred before it takes effect, under any of the laws repealed,

Repeal of inconsistent acts.

Penalties incurred not to be affected.

except that where a punishment, penalty or forfeiture is mitigated by the provisions of this act, such provisions may be extended and applied to any judgment pronounced after said repeal; it shall not affect any suit or prosecution pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred under any of the acts repealed, except that the proceeding therein shall when necessary conform to the provisions of this act; and when a limitation or period of time prescribed in any of the acts repealed, for acquiring a right or barring a remedy, or any other purpose, has begun to run, and the same or similar limitation is prescribed in this act, the time of limitation shall continue to run, and shall have like effect as if the whole period had begun and ended under the operation of this act. All persons who at the time when said repeal takes effect hold any office under any of the acts repealed, shall continue to hold the same according to the tenure thereof, except those offices which have been abolished, and those as to which a different provision has been lawfully made. The provisions of this act, so far as they are the same as those of the existing charter, shall be construed as a continuation thereof and not as new enactments, and references in laws not repealed to provisions of laws incorporated into this act shall be construed as applying to the same provisions so incorporated: and *provided, also*, that all acts and parts of acts relating to or which have been accepted by the said city, and all the ordinances and by-laws of the said city, which shall be in force at the time when the said repeal shall take effect, not inconsistent herewith, shall continue in force until the same are duly repealed; and all persons holding office under such ordinances and by-laws shall continue to hold such offices according to the tenure thereof. The legislature may at any time alter, amend or repeal this act.

Proviso.

Subject to acceptance by voters.

SECTION 60. This act shall be void unless accepted by the qualified voters of said city of Springfield, present and voting by ballot, "yes" and "no" at meetings warned for the purpose in the several wards by the mayor and board of aldermen, to be held on or before the first day of July next; and it shall be the duty of the mayor and aldermen of said city, within thirty days of the passage of this act, to cause a sufficient number of copies hereof to be printed and distributed among the voters of said city

and to warn meetings in the several wards to be held on some day within sixty days after such passage, and to furnish at such meetings a sufficient number of ballots printed separately with the word "yes" and the word "no"; and at such meetings the same proceedings shall be had respecting the receiving, sorting, counting, declaring, recording and making returns of votes as is provided by law for elections in cities; and the mayor and aldermen, within two days after such meetings, shall examine the returns from the several wards; and if the act appears not to have been accepted by a majority of the qualified voters present and voting in the several wards, the mayor and aldermen may if they see fit warn other meetings in the several wards for the same purpose, to be held on some day not sooner than sixty days after those previously held, and again meetings for a third time; and whenever it shall appear that a majority of the qualified voters present and voting in the several wards at meetings thus duly warned, have voted to accept this act, the mayor shall immediately make proclamation of the fact and the city clerk shall transmit notice thereof to the secretary of the Commonwealth, and thereupon this act shall take effect as follows, to wit:—For the purpose of the division of said city into nine wards as hereinbefore provided, and for the election at the annual meeting of municipal officers, upon such proclamation by the mayor; and for all other purposes, it shall take effect on the first Monday of January next following such proclamation.

When to take effect.

Approved April 20, 1877.

AN ACT TO ABOLISH THE OFFICE OF OVERSEER OF THE HOUSE OF CORRECTION.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the several counties, except Suffolk, shall have and exercise all the authority and perform all the duties heretofore exercised and required by law of overseers of the houses of correction.

County commissioners to do the duties of overseers of houses of correction.

SECTION 2. Section nine of the one hundred and seventy-eighth chapter of the General Statutes is hereby repealed.

Repeal of G. S. 178, § 9.

SECTION 3. This act shall take effect upon the first day of July next.

Approved April 20, 1877.

Chap. 148 AN ACT TO FIX THE SALARY OF THE CLERK OF THE POLICE COURT OF NEWBURYPORT.

Be it enacted, &c., as follows :

Salary estab-
lished.

The annual salary of the clerk of the police court of Newburyport shall be eight hundred dollars, from and after the first day of January last.

Approved April 20, 1877.

Chap. 149 AN ACT TO AMEND SECTION TWO OF CHAPTER ONE HUNDRED AND TWENTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE, FOR THE PROTECTION OF AGRICULTURAL SOCIETIES AND FARMERS' CLUBS.

Be it enacted, &c., as follows :

Amendment to
1861, 127, § 2.

SECTION 1. Section two of chapter one hundred and twenty-seven of the acts of the year eighteen hundred and sixty-one is hereby amended by adding after the words "stated time," the words "or engage in pool selling at or within half a mile of the place of holding said shows or meetings."

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1877.

Chap. 150 AN ACT IN RELATION TO CERTAIN REPORTS AND STATUTES, AND STANDARD WEIGHTS, MEASURES AND BALANCES FURNISHED TO TOWNS.

Be it enacted, &c., as follows :

Towns to be
furnished with
reports, books
and documents.

SECTION 1. Every town hereafter incorporated shall be furnished by the secretary of the Commonwealth with a full set of the reports of the decisions of the supreme judicial court, one copy of the General Statutes, and copies of all such books and documents then in his office as have heretofore been furnished by the Commonwealth to towns: *provided*, that the clerk of such town shall first file with the secretary of the Commonwealth a certificate in writing, to the effect that the town has provided at its own expense a suitable book-case for the preservation of the books to be received from the Commonwealth.

Proviso.

Towns not to be
supplied anew,
in case of loss.

SECTION 2. Any town which has already received or which may hereafter receive the standard weights, measures and balances, under section four of chapter fifty-one of the General Statutes, the reports of the decisions of the supreme judicial court, and the copy of the General Statutes, shall not be again supplied at the expense of the Commonwealth, in case the same shall be lost or destroyed; but towns may effect insurance on the same for their own benefit.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 20, 1877.

AN ACT RELATING TO THE SEALING OF WEIGHTS AND MEASURES.

Chap. 151

Be it enacted, &c., as follows:

SECTION 1. Instead of appointing more than one sealer of weights and measures, the mayor and aldermen of any city and the selectmen of any town, where it may be necessary for the proper discharge of the duties of such office, shall appoint annually one or more deputy-sealers, who shall act under the direction of the sealer; and the mayor and aldermen of cities, and selectmen of towns are authorized to remove the sealer or deputy-sealers of weights and measures in such city or town whenever they may deem it expedient.

A sealer of weights and measures and deputies may be appointed.

May be removed at pleasure.

SECTION 2. Chapter one hundred and twenty-three of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out the words "within sixty days after said notice" in the first section thereof, and by striking out in the second section thereof the words "after the expiration of the said sixty days," and inserting in place thereof the words, "at any time after said notice."

Amendments to 1876, 123, §§ 1, 2.

SECTION 3. In case any sealer of weights and measures cannot seal any scales, weights and measures with the stamp as now provided by law, he may mark them with a stencil or other suitable means so as to show they have been inspected; but he shall in no case seal or mark as correct any weights, scales or measures which do not conform to the standards; if such scales, weights or measures can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted he shall affix to such scales, weights or measures a notice forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without the consent of the officer affixing said notice shall for each offence forfeit a sum not exceeding fifty dollars, one half to the use of the city or town and one half to the use of the complainant.

Weights and measures may be marked with a stencil to show that they have been inspected.

SECTION 4. Whenever visiting the place of business of any person for the purpose of testing any scales, weights and measures, the sealer or his deputy is hereby authorized to use for that purpose such scales, weights or measures as he can conveniently carry with him; and each city and town shall furnish for the purposes of this act, the sealer of weights and measures with one or more duplicate sets of scales, weights and measures, which shall at all times be kept to conform to the standards furnished by

Sealers to be furnished with duplicate sets of weights and measures.

the Commonwealth; and all such scales, weights and measures so sealed shall be deemed legally sealed, the same as if tested and sealed with the standard scales, weights and measures.

Sealer may seize weights and measures without a warrant.

SECTION 5. Any sealer or deputy-sealer of weights and measures is authorized to seize without a warrant such scales, weights or measures as may be necessary to be used as evidence in cases of violation of this or any act relating to the sealing of weights and measures; such scales, weights or measures to be returned to the owners or be forfeited as the court may direct.

Laws requiring the sealing of milk-cans repealed.

SECTION 6. All provisions of law requiring the sealing of milk-cans, and acts and parts of acts inconsistent herewith are hereby repealed: *provided, however*, this repeal shall not affect any suit or legal proceedings now pending, or any liabilities or penalties already incurred.

SECTION 7. This act shall take effect upon its passage.

Approved April 20, 1877.

Chap. 152 AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR A UNION PASSENGER STATION, AND FOR THE REMOVAL OF RAILROAD TRACKS FROM CERTAIN PUBLIC WAYS AND GROUNDS IN THE CITY OF WORCESTER."

Be it enacted, &c., as follows:

May extend Foster Street across burial-ground.

SECTION 1. The mayor and aldermen of the city of Worcester may and shall forthwith extend Foster Street in said city, with a width of not less than sixty feet from its eastern terminus at the west end of the Foster Street station, as nearly as may be over the discontinued railroad location lying east of said station, to the Mechanic Street burial-ground; thence across said burial-ground and across Bridge Street to the intersection of the railroad viaduct with Mechanic Street; thence under said viaduct by a bridge, with a span of not less than sixty feet in the clear, measured at right angles with said extension, partly on Mechanic Street, to Summer Street; the whole to be laid out and constructed substantially in accordance with a plan of the proposed extension of Foster Street, filed in the office of the secretary of the Commonwealth on the twenty-ninth day of March in the year one thousand eight hundred and seventy-seven. The decree of said mayor and aldermen laying out said extension and establishing the grade thereof shall be final without further proceedings, and said extension shall be constructed at the expense of said city. Said city shall maintain a suitable track,

Decree of mayor and aldermen to be final.

either upon said extension or partly upon said extension and partly upon the discontinued railroad location between the west line of said burial-ground and said viaduct, to be connected with the tracks of one or more of the railroads in said city, for the accommodation of the business establishments on the line of said extension which were accommodated by the tracks of the Boston and Albany Railroad at the time of the passage of said act, unless said mayor and aldermen shall within three months after the date of their decree laying out said extension, vote not to construct said tracks; and if said mayor and aldermen shall so vote, then said city shall not be required to maintain said track, but shall pay to the owners of said establishments such sums as compensation for not furnishing said track, as the parties shall agree, or in case of disagreement, as the county commissioners of the county of Worcester, after hearing the parties, shall determine. Said track, if constructed, shall be operated by horse-power, or such other motive power as said mayor and aldermen shall from time to time permit. Said bridge over said street shall be built by the railroad companies owning said viaduct, in such manner and form as the board of railroad commissioners, after hearing the parties, shall direct; and said railroad companies may take, under the general laws, additional land necessary for the abutments of said bridge. And the expense of building said bridge and abutments, and of the land so taken, after deducting the value of the present bridge and materials, shall be paid by said city; and the expense of maintaining said bridge shall be borne by said city and said railroad companies in such proportion as the parties shall agree, or in case of disagreement, as the county commissioners for the county of Worcester, after hearing the parties shall determine; and such apportionment may be revised by said county commissioners at intervals of not less than three years, upon the application of either of said parties. All damages occasioned to any person or corporation by the laying out of said extension, shall be assessed by said mayor and aldermen in the first instance, and shall be subject to revision by a jury in the manner provided by law in the laying out of town ways, and shall be paid by said city; and estates receiving benefit and advantage from the laying out of said extension, shall be liable to assessment therefor, as provided in the general laws relating to betterments.

Bridge over street to be built by railroad companies owning viaduct.

Expense of building to be paid by city.

Assessment of damages.

Repeal.
1871, 343, § 22.

SECTION 2. So much of section twenty-two of chapter three hundred and forty-three of the acts of the year one thousand eight hundred and seventy-one as relates to Foster Street is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1877.

Chap. 153 AN ACT TO INCORPORATE THE FIDELITY ASSURANCE COMPANY OF MASSACHUSETTS.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Ezra Farnsworth, Francis A. Osborn, Samuel B. Rindge, J. Gardner White, Frank Goodwin, Charles J. Whitmore, William S. Eaton, James P. Melledge, William I. Parker and Samuel Batchelder, Jr., their associates and successors, are made a corporation by the name of the Fidelity Assurance Company of Massachusetts, for the purposes hereinafter set forth ; to have its place of business in the city of Boston, and to be subject to the provisions of all general laws which now are or hereafter may be in force in relation to like corporations.

Capital stock.

SECTION 2. The capital stock of said company shall be five hundred thousand dollars, and may be increased to one million dollars by a vote of the stockholders ; and shall be invested in the same kinds of securities in which savings banks are required to invest.

To act as surety upon official bonds, and upon bonds to indemnify, etc.

SECTION 3. The said company is hereby authorized and empowered to act, within the limits of this Commonwealth and under the jurisdiction of the courts thereof, as surety upon the official bond of any person to the United States ; to any county, city or town ; to any judge of probate, or other court or magistrate ; to any corporation or association, public or private ; and upon a bond to any person or persons conditioned upon the performance of any trust. Also upon bonds to indemnify against loss any person or persons who are responsible as surety or sureties, upon a written instrument or otherwise, for the faithful performance by others, of any trust, office or duty ; and in any case where, by law or otherwise, two sureties are required upon any obligation which this company is hereby authorized to assure, this company may act as sole surety, if so accepted and approved by the court or magistrate named as the obligee in the bond.

Amount of responsibility to be incurred by company.

SECTION 4. The amount of the responsibility incurred by said company in behalf of any one person, partnership

or company, shall not exceed the amount of ten per centum upon its paid in capital; and in the case of bonds of trustees and guardians filed in any probate court of this Commonwealth, shall not exceed on any one bond five per centum of the net assets of the company; nor in the case of bonds by executors or administrators shall it exceed the sum of fifteen thousand dollars upon any one bond.

SECTION 5. After deducting from the earnings of the company (no part of the premiums received on risks not terminated being considered earnings), and from the income of its invested funds, such an amount as shall have been required for the costs of management, and for such dividends, not exceeding six per centum per annum on the capital stock as the directors may determine upon, the residue shall be annually set apart for the purpose of constituting a reserved fund for the payment of losses, until the said reserved fund shall equal the amount of the capital stock paid in; and in case the reserved fund shall ever be impaired, it shall be made up to the full amount in the manner originally provided; and the said capital stock shall in no case be impaired or diminished until said reserved fund shall have been exhausted: *provided*, that whenever the said reserved fund shall equal the amount of the capital stock paid in, the earnings of the company, over and above the aforesaid dividends of six per centum per annum and the contributions required to keep the said reserved fund entire, may thereafter be divided among the stockholders in the same manner as is provided for joint-stock insurance companies; and *provided, also*, that in closing up the affairs of the said company the amount then standing to the credit of the said reserved fund shall be divided among the stockholders, in proportion to their respective shares.

Reserved fund
for payment of
losses.

Proviso.

SECTION 6. The said company shall make all such returns as are now or may be required by law of other like corporations, and shall be subject to all the provisions of law regarding insurance companies having a specific capital, so far as applicable to this company; and in case doubts should arise as to what are "like corporations," or what are "the provisions of law applicable to this company," within the meaning of this act, it is hereby enacted and declared that the decision of the commissioner of corporations, the savings bank commissioners and the insurance commissioner, or of the major part of them, shall deter-

Returns to
be made as
required of
other like cor-
porations.

mine such doubts; and the said company shall pay such taxes as may be prescribed by the tax commissioner, who shall be governed by the standard of the highest taxes imposed upon any corporations having analogous powers or purposes.

Statement of
assets and lia-
bilities to be
published.

SECTION 7. The said company shall publish within ten days after the first day of January, April, July and October in each year, in two or more newspapers published in the city of Boston, a statement of its assets and liabilities sworn to by one of its officers.

Books to be open
to inspection of
insurance and
tax commis-
sioners.

SECTION 8. The books and investments of said company shall be open to the inspection of the insurance commissioner, and of the tax commissioner of the Commonwealth; also to the inspection of the stockholders, subject to such limitations as may be prescribed by the by-laws of the company. Every stockholder shall be furnished with a copy of the charter and by-laws of the company.

Shares for sale
may be pur-
chased by the
company.

SECTION 9. Any member of this company who shall be desirous of selling any of his shares, the executor or administrator of any member deceased, and the grantee or assignee of any shares sold on execution, shall cause such their shares respectively to be appraised by the directors, which it shall be their duty to do on request, and shall thereupon offer the same to them for the use of the company, at such appraised value; and if said directors shall choose to take such shares for the use of the company, such member, executor, administrator or assignee shall, upon the payment or tender to him of such appraised value thereof, and the dividends due thereon, transfer and assign such share or shares to said company: *provided, however,* the said directors shall not be obliged to take such shares at the appraised value aforesaid, unless they shall think it for the interest of the company; and if they shall not, within twenty days after such shares are offered to them in writing, take the same and pay such member, executor, administrator or assignee therefor, the price at which the same shall have been appraised, such member, executor, administrator or assignee shall be at liberty to sell and dispose of the same shares to any person whomsoever.

Proviso.

SECTION 10. This act shall take effect upon its passage.

Approved April 26, 1877.

AN ACT AUTHORIZING THE TREASURER OF WORCESTER COUNTY TO
PAY BENJAMIN D. DWINNELL FOR SERVICES AND LOSSES CONNECTED
WITH THE BURNING OF FITCHBURG JAIL. *Chap. 154*

Be it enacted, &c., as follows:

SECTION 1. The treasurer of Worcester County is hereby authorized, with the approval of the county commissioners of said county, to pay to Benjamin D. Dwinnell the sum of five hundred dollars for services and losses connected with the burning of Fitchburg jail: *provided*, that said sum shall be paid out of the amount collected as the county tax of Worcester County granted this year.

Allowance to
Benjamin D.
Dwinnell.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1877.

AN ACT LEGALIZING THE LAYING OUT AND ALTERATION OF CERTAIN
WAYS IN THE TOWN OF CLINTON. *Chap. 155*

Be it enacted, &c., as follows:

SECTION 1. The laying out or alteration of all town ways in the town of Clinton for the use of said town, heretofore made by the selectmen or road commissioners and accepted by the inhabitants of said town, is hereby confirmed and made legal to the same extent as though the written notice mentioned in section sixty-one of chapter forty-three of the General Statutes had been given to the owners of land taken therefor.

Laying out and
alteration of
town ways
legalized.

SECTION 2. All persons aggrieved by the laying out or alteration of the town ways mentioned in the preceding section may make application for a jury or committee, for the assessment of their damages, at any time within one year from the passage of this act instead of the time fixed by section seventy-three of said chapter forty-three, which last named section, except as herein provided, shall be applicable to all cases arising under this act.

Assessment
of damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1877.

AN ACT AUTHORIZING THE TREASURER OF WORCESTER COUNTY TO
PAY WILLIAM O. BROWN FOR SERVICES CONNECTED WITH THE
BURNING OF FITCHBURG JAIL. *Chap. 156*

Be it enacted, &c., as follows:

SECTION 1. The treasurer of Worcester County is hereby authorized, with the approval of the county commissioners of said county, to pay to William O. Brown the sum of five hundred dollars for services connected with

Allowance to
William O.
Brown.

the burning of Fitchburg jail: *provided*, that said sum shall be paid out of the amount collected as the county tax of Worcester County granted this year.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1877.

Chap. 157 AN ACT TO AMEND THE CHARTER OF THE MASSACHUSETTS FAMILY BANK.

Be it enacted, &c., as follows:

Capital stock and shares.

SECTION 1. The capital stock of the Massachusetts Family Bank incorporated by chapter one hundred and forty-two of the acts of the year eighteen hundred and seventy-six, shall be five hundred thousand dollars, in shares of fifty dollars each, which shall be restricted to a semi-annual dividend, never to exceed four per cent. No life insurance policy shall be issued, nor any deposit received, till two hundred thousand dollars of stock have been subscribed, paid in in cash and invested, and such fact is certified by the insurance commissioner.

Time for organizing extended.

SECTION 2. The time for organizing said bank as a corporation and commencing business is hereby extended one year from the passage of this act.

Repeal.

SECTION 3. Sections two and three of the act incorporating said bank are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 26, 1877.

Chap. 158 AN ACT RELATING TO PARTITIONS AND SALES OF REAL ESTATE, BY ORDER OF THE PROBATE COURTS.

Be it enacted, &c., as follows:

Sale of real estate by order of probate courts.
1864, 137.
1871, 111.

SECTION 1. The provisions of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and sixty-four shall apply to all sales heretofore or hereafter made under chapter one hundred and eleven of the acts of the year eighteen hundred and seventy-one, whether said sales be of the estates of persons deceased settled, or in course of settlement, in the probate courts, or of tenants in common or otherwise, not claiming as heirs or devisees; and in all cases of sale under said act of the year eighteen hundred and seventy-one, or by executors, administrators, guardians and trustees, notifications of the sale shall be sufficient, unless otherwise ordered by the court, if posted in the city or town where the lands lie and in two adjoining cities and towns, if there are so many in the county.

SECTION 2. When any party interested in land of which partition is prayed for, is absent from the state, the probate court may, after public notice of the petition, appoint an agent for such absent party, with the same authority now given to agents for absent heirs or devisees by section fifty-two of chapter one hundred and thirty-six of the General Statutes.

Partition of lands; court may appoint agent to represent absent party.

SECTION 3. Section sixty-three of chapter one hundred and thirty-six of the General Statutes is hereby repealed.

Repeal of G. S. 136, § 63.

Approved April 26, 1877.

AN ACT TO AMEND SECTION TWENTY-THREE OF CHAPTER TWO HUNDRED AND THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, IN RELATION TO THE REPORT OF DEPOSITS IN SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Chap. 159

Be it enacted, &c., as follows:

SECTION 1. Section twenty-three of chapter two hundred and three of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out the word "not" in the thirty-sixth line of said section, so that the clause in which said word occurs shall read as follows, "The number of deposits received, of and exceeding three hundred dollars at one time;".

Deposits in savings banks.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1877.

AN ACT IN RELATION TO THE ASSESSMENT AND ABATEMENT OF TAXES.

Chap. 160

Be it enacted, &c., as follows:

SECTION 1. The assessors of any city or town, in giving the notice mentioned in section twenty-two of chapter eleven of the General Statutes, may or may not require the inhabitants thereof to include real estate in their lists of property subject to taxation. Unless such requirement is made in said notice, the omission of real estate from the list brought in to the assessors shall not deprive the owner of such real estate of his right to an abatement of the tax thereon: *provided*, he shall file, with his application to the assessors for abatement, a list of the real estate on which the same is claimed, with his estimate of the fair cash value of each parcel thereof, and shall make oath that said list and estimate are true according to his best knowledge and belief.

Assessment and abatement of taxes.

SECTION 2. Section forty-three of said chapter eleven of the General Statutes is hereby amended by inserting

Amendment to G. S. 11, § 43.

therein after the word "proportion" the words, "or upon an assessment of any of his property above its fair cash value."

Approved April 26, 1877.

- Chap. 161* AN ACT TO AMEND SECTION FIFTEEN OF CHAPTER TWO HUNDRED AND FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX RELATING TO SALES OF PUBLIC PROPERTY.

Be it enacted, &c., as follows:

Proceeds of sale of military property may be expended for purchase of other military property.

SECTION 1. Section fifteen of chapter two hundred and four of the acts of the year eighteen hundred and seventy-six is hereby so far amended as to permit the sums derived from the sale of public property inspected and condemned under the provisions of said section, and from the sale of grass from the state camp-ground, to be expended under direction of the governor and council for the purchase of other military property or for the grading and drainage of the state camp-ground and the construction of rifle-pits thereat.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1877.

- Chap. 162* AN ACT TO AMEND AN ACT RELATIVE TO ESTABLISHING "SHADE-TREE AND CEMETERY FUNDS" IN SAVINGS BANKS.

Be it enacted, &c., as follows:

"Shade-tree and Cemetery Funds."
1875, 174.

SECTION 1. The judge of probate, after hearing properly notified, and when in his judgment it is expedient so to do, may authorize any executor, administrator or trustee, holding money or other personal property for any of the purposes mentioned in chapter one hundred and seventy-four of the acts of the year eighteen hundred and seventy-five, to deposit said moneys or the avails arising from said personal property, in any savings bank designated by him, to be held by it in the manner and for the uses and purposes mentioned in said chapter, and upon the trusts upon which said executor, administrator or trustee held it; and upon the deposit of said money and its receipt and acceptance by said bank, the said executor, administrator or trustee shall be discharged from further care and responsibility therefor.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1877.

AN ACT RELATING TO THE PROOF OF SIGNATURES.

Chap. 163

Be it enacted, &c., as follows:

Any signature to a written instrument declared on or set forth as a cause of action or ground of defence or set-off, in an action at law, shall be taken as admitted, unless the party sought to be charged thereby shall file in court, within the time allowed for answer, a special denial of the genuineness of such signature and a demand that the party relying thereon shall prove the same at the trial.

Proof of signatures in actions at law.

Approved April 26, 1877.

AN ACT AUTHORIZING APPEALS FROM DECISIONS OF THE TAX COMMISSIONER IN RELATION TO THE TAXATION OF INSURANCE COMPANIES.

Chap. 164

Be it enacted, &c., as follows:

SECTION 1. Any party aggrieved by the decision of the tax commissioner upon any matter arising under the provisions of chapter one hundred and forty-one of the acts of the year eighteen hundred and seventy-three and the acts in amendment thereof, may apply to the board of appeal constituted under the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, for a correction of the same, within ten days after notice of any such decision. Upon such appeal said board shall as soon as may be give a hearing to such party, and shall decide the matter in question, and this decision shall be final.

Appeals allowed from the decisions of the tax commissioner.

SECTION 2. The decision of the board of appeal, upon any matter brought before it under the provisions of this act or any other providing for appeals from the decision of the tax commissioner, shall be conclusive as to the rights of the parties affected, although payments have been made as required by the commissioner's decision; and any over payment of tax determined by such decision shall be reimbursed from the treasury of the Commonwealth.

Decision of the board of appeal to be conclusive.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1877.

AN ACT TO SET OFF THE TOWN OF WINTHROP FROM THE JUDICIAL DISTRICT UNDER THE JURISDICTION OF THE MUNICIPAL COURT OF EAST BOSTON.

Chap. 165

Be it enacted, &c., as follows:

So much of section fourteen of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-four as unites the town of Winthrop to the judicial district under the jurisdiction of the municipal court of the

Town of Winthrop set off from the judicial district of the court of East Boston.

East Boston district, is hereby repealed: *provided, however*, that this act shall not apply to any case pending at the time of its taking effect.

Approved April 26, 1877.

Chap. 166 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO LAY OUT HIGHWAYS AND BUILD BRIDGES ACROSS LEE'S RIVER AND COLE'S RIVER IN THE TOWNS OF SOMERSET AND SWANZEY.

Be it enacted, &c., as follows:

May build
bridges over
Lee's and Cole's
rivers.

Subject to
approval of
the harbor
commissioners.

SECTION 1. The county commissioners of Bristol County may, if in their opinion public convenience and necessity require, lay out a highway and construct a bridge over Lee's River between the towns of Somerset and Swanzev, or either of them, above the railroad bridges now existing over said rivers; the plans and locations of said bridges and each of them shall be subject to the approval and direction of the board of harbor commissioners who shall also determine whether either or both of said bridges shall be built without a draw or draws: *provided*, said bridge or bridges can be built without assessing any part of the cost upon the county or towns.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1877.

Chap. 167 AN ACT RELATING TO THE RESTRAINING AND MUZZLING OF DOGS.

Be it enacted, &c., as follows:

Selectmen, etc.,
may order dogs
to be muzzled or
restrained from
running at large.

SECTION 1. The mayor and aldermen of any city or the selectmen of any town may order that any dog or dogs within the limits of such city or town respectively, shall be muzzled or restrained from running at large during such time as shall be prescribed by such order. After passing such order and the publication of the same by posting a certified copy thereof in two or more public places in such city or town, or in case a daily newspaper shall be published in such city or town, by publication thereof once in such newspaper, said mayor and aldermen or selectmen may issue their warrant to one or more of the police officers or constables of such city or town, who shall, after twenty-four hours from the publication of such notice, kill any or all dogs found unmuzzled or running at large contrary to such order.

Compensation
of constables.

SECTION 2. Said police officers or constables shall be compensated for service under this act, as provided in section seven of chapter one hundred and thirty of the

acts of the year eighteen hundred and sixty-seven, and any such city or town officer refusing or wilfully neglecting to perform the duties herein imposed upon him shall be punished as provided in section eleven of said chapter.

SECTION 3. The mayor and aldermen of any city or the selectmen of any town may cause special service of any order passed by them respectively, as provided for in section one, to be made upon any person, requiring that any dog owned or kept by such person, shall be muzzled or restrained from running at large, by causing a certified copy of such order to be delivered to him. Any person, who after receiving such certified copy shall refuse or neglect, for the period of twelve hours after receiving such notice, to muzzle or restrain such dog as required by such order, shall pay a fine not exceeding twenty-five dollars; said fine to be recovered as provided in section twelve of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven.

Special service of order may be made.

SECTION 4. Every license issued to the owner of any dog in this Commonwealth shall have printed thereon a description of the symptoms of the disease in dogs known as hydrophobia, said description to be supplied by the secretary of the state board of health to the clerks of the several cities and towns of the Commonwealth upon application therefor.

License to contain description of symptoms of hydrophobia.

SECTION 5. All acts or part of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved April 27, 1877.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE REFORMATORY PRISON FOR WOMEN.

Chap. 168

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, in accordance with the provisions of section twenty-four of chapter three hundred and eighty-five of the acts of the year eighteen hundred and seventy-four, from the ordinary revenue, unless otherwise ordered, for the purpose of preparing the reformatory prison for women at Sherborn for the reception of prisoners, and of meeting the current expenses of the institution to the close of the year ending December thirty-first eighteen hundred and seventy-seven, to wit:—

Appropriations for reformatory prison for women.

For fences, barn and out-buildings, a sum not exceeding nine thousand dollars.

For furnishing the prison, a sum not exceeding twenty-five thousand dollars.

For provisioning the same, a sum not exceeding eighteen thousand and two hundred dollars.

For the payment of salaries and wages at the prison, a sum not exceeding seven thousand and five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1877.

Chap. 169 AN ACT RELATING TO THE EMPLOYMENT AND COMPENSATION OF OFFICERS IN ATTENDANCE UPON THE SUPERIOR COURT IN THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

Compensation
of officers in
superior court.

SECTION 1. The officers in attendance upon the sessions of the superior court for civil and criminal business, in the county of Suffolk, and the messenger of the justices of the superior court, shall each receive an annual salary of fourteen hundred dollars, in full for all services performed by them, to be paid monthly from the treasury of said county.

Sheriff may
appoint officers
to attend the
courts.

SECTION 2. The sheriff of said county shall appoint, subject to the approval of the justices of the superior court, or a majority thereof, officers for attendance upon the several sessions of said court in said county, in number not exceeding four for each session for civil business in which juries are empanelled, two for each session held without juries, and six for the session held for the transaction of criminal business. Each of said officers shall perform all services required of him by the court upon which he attends, for the performance of all which duties the salary hereinbefore provided for shall be in full compensation. The sheriff shall from time to time interchange said officers between the several sessions of said court in such manner as shall secure, as nearly as may be, the performance of equal services by each officer.

Officers to be
interchanged
from time to
time.

Compensation
of additional
officers.

SECTION 3. Any additional officers whose attendance may be hereafter required in either of said courts, as provided in chapter one hundred and two of the acts of the year eighteen hundred and sixty-two, shall be allowed three dollars for each day of service actually rendered, to be paid out of the treasury of said county.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1877.

AN ACT TO AUTHORIZE THE BOSTON, CLINTON, FITCHBURG AND NEW BEDFORD RAILROAD COMPANY TO ISSUE PREFERRED STOCK. Chap. 170

Be it enacted, &c., as follows :

SECTION 1. The Boston, Clinton, Fitchburg and New Bedford Railroad Company is hereby authorized to issue an amount of preferred stock, not exceeding twenty-five thousand shares, of one hundred dollars each, the proceeds thereof to be used exclusively for payment of the debts of the corporation. May issue preferred stock.

SECTION 2. Such stock shall entitle the holder thereof to be paid dividends thereon semi-annually, in preference and priority to any dividends to be made to the holders of the common stock of said company, at such rate as the net earnings and income of said company for the six months preceding the declaring of such dividend, after paying the interest on the debt of the company, shall be sufficient to pay; not exceeding however the limit which shall be fixed for such dividend by the vote of the stockholders at the meeting at which this act shall be accepted, and in no case exceeding three and one-half per centum semi-annually. Holders of preferred stock to be paid dividends in preference to holders of common stock.

SECTION 3. If such net earnings and income should be more than sufficient to pay such dividends upon said preferred stock, the remainder thereof or such portion thereof as may be necessary shall be used in paying a dividend upon the common stock of the Boston, Clinton, Fitchburg and New Bedford Railroad Company, which shall be entitled to the same dividends as the preferred stock, whenever there shall remain sufficient net earnings to pay such dividends upon said common stock, and in no event shall such preferred stock receive a greater semi-annual dividend than the amount so to be fixed by the stockholders, as provided in the second section of this act, unless such dividend shall also be declared and paid upon the common stock of the Boston, Clinton, Fitchburg and New Bedford Railroad Company. Balance of earnings to be paid in dividends upon common stock.

SECTION 4. Said preferred stock shall first be offered to the stockholders in said company, who shall be respectively entitled to subscribe therefor, at its par value, in proportion to the number of shares held by them. Preferred stock to be first offered for sale to stockholders.

Stock in treasury to be cancelled as new stock is issued.

SECTION 5. For each and every share of the stock hereby authorized which shall be sold or disposed of, it shall be the duty of the president of the corporation to cause to be cancelled one share of the stock now held in the treasury of the corporation, until the stock so held shall all be cancelled, and after nineteen thousand nine hundred and seventy-two shares of the stock hereby authorized to be issued shall have been sold, for each and every share thereof subsequently disposed of, one hundred dollars in amount of the New Bedford Railroad Company mortgage bonds in the possession of the corporation shall be cancelled and retired.

Subject to acceptance by a majority vote.

SECTION 6. This act shall take effect from and after its acceptance by a majority of all the shares present and voting at a legal meeting to be called for the purpose at any time after the passage of this act.

Approved April 28, 1877.

Chap. 171

AN ACT TO AMEND SECTION EIGHTY-FIVE OF CHAPTER THREE HUNDRED AND TWENTY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR, CONCERNING RENT OF ARMORIES.

Be it enacted, &c., as follows:

Rent of armories for companies of infantry, etc.

Section eighty-five of chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-four is hereby so far amended, as to provide that from and after the first day of July next, the amount which may be allowed for the rent of an armory occupied by a company of infantry shall not exceed the rate of four hundred dollars per annum; the amount for the rent of an armory for brigade head-quarters shall not exceed the rate of two hundred dollars per annum; and the amount allowed for rent of regimental and battalion head-quarters shall not exceed the rate of one hundred dollars per annum.

Approved April 28, 1877.

Chap. 172

AN ACT FOR THE BETTER PROTECTION OF CHILDREN.

Be it enacted, &c., as follows:

Children under fifteen years not to be employed in circus, etc.

SECTION 1. Any person who shall employ or exhibit or who shall sell, apprentice or give away for the purpose of employing or exhibiting, any child under the age of fifteen years in or for the vocation, occupation, service or purpose of dancing, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat in any circus or theatrical exhibition or in any public place whatsoever, or

who shall cause, procure or encourage any such child to engage therein, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months : *provided, however*, that nothing in this act shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel or school or school exhibition, or prevent their taking part in any concert or musical exhibition on the special written permission of the mayor and aldermen of any city or the board of selectmen of any town.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1877.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL PURPOSES.

Chap. 173

Be it enacted, &c., as follows :

SECTION 1. The sums mentioned in this section are hereby appropriated, and shall be paid out of the moiety of the income of the school fund applicable to educational purposes, to wit :—

For the support of normal schools, including the normal art school, the sum of sixty-seven thousand dollars.

For the Massachusetts Teachers' Association, three hundred dollars.

SECTION 2. The sums mentioned in this section are appropriated, and shall be paid from the treasury of the Commonwealth, to wit :—

For the support of normal schools, including the normal art school, in addition to the sum named in the first section, a sum not exceeding nine thousand dollars.

For teachers' institutes, a sum not exceeding three thousand dollars.

For the expenses of the members of the board of education, a sum not exceeding four hundred dollars.

For county teachers' associations, a sum not exceeding three hundred dollars.

For postage, printing, stationery, advertising, transportation of documents for the board of education and the secretary thereof, a sum not exceeding three thousand dollars.

For printing the annual and supplementary reports of the board of education, with the accompanying documents and illustrations, a sum not exceeding eleven thousand dollars.

Proviso.

Appropriations from school fund.

Normal schools.

Teachers' Association.

Appropriations.

Normal schools.

Teachers' institutes.

Board of education.

Teachers' associations.

Board of education—Printing, etc.

Printing annual report.

Salaries and expenses.

For salaries and expenses of agents of the board of education, a sum not exceeding eight thousand five hundred dollars.

Aid to pupils in normal schools.

For aid to the pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under the direction of the board of education.

Rent, care of rooms, etc., in School Street Block, Boston.

For rent, taxes, steam heating, water, and care of rooms of the premises occupied by the state normal art school, in School Street Block, Boston, for the year eighteen hundred and seventy-seven, in accordance with the lease or leases thereof, ratified and approved by chapter fifty-one of the resolves of the year eighteen hundred and seventy-six, a sum not exceeding eight thousand one hundred and twenty-two dollars and fifty cents.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1877.

Chap. 174 AN ACT RELATING TO THE GRANTING OF DIVORCES ON PETITIONS FROM INHABITANTS OF THIS STATE.

Be it enacted, &c., as follows:

Divorces, to petitioners residing in state for three years, who were inhabitants at time of marriage.

SECTION 1. The supreme judicial court may grant a divorce for any of the causes allowed by law, in any case in which the parties were inhabitants of this state at the time of the marriage, on the petition of either of such parties who has been an inhabitant of this state for three years next preceding the date of the petition.

Repeal.
G. S. 107, §§ 11, 12.

SECTION 2. So much of sections eleven and twelve of chapter one hundred and seven of the General Statutes, as is inconsistent with this act, is hereby repealed.

Approved May 2, 1877.

Chap. 175 AN ACT TO PROVIDE FOR THE REDEMPTION OF THE GUARANTEE CAPITAL OF MUTUAL FIRE INSURANCE COMPANIES, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Semi-annual dividends.

SECTION 1. No semi-annual dividend on the guarantee capital of any mutual fire insurance company organized under chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-two, which shall be payable subsequent to the time fixed for the payment of the next semi-annual dividend of such company, shall exceed three and one-half per centum; if any such dividend shall be less than three and one-half per centum it shall be

made up as heretofore provided by law in regard to dividends of five per centum.

SECTION 2. Whenever the contingent funds in the possession of any such company shall equal the amount of its guarantee capital and all dividends due or accrued thereon, said company may at any time or from time to time thereafter, by a majority vote of the members present at a meeting called for the purpose, redeem said capital or any part thereof by payment to the shareholders of the par value of the stock by them held or of the percentage thereof to be redeemed, with interest on the amount to be redeemed, at the rate of seven per centum per annum from the date of the last preceding semi-annual dividend until notice to such holders that the company is ready to redeem as aforesaid, together with an amount sufficient to make up all previous semi-annual dividends on the entire guarantee capital to the maximum allowed by law for such dividends respectively.

Guarantee capital may be redeemed when contingent funds equal the amount.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1877.

AN ACT IN RELATION TO TAKING AND SELLING RIGHTS OF REDEMPTION ON EXECUTION. Chap. 176

Be it enacted, &c., as follows:

SECTION 1. All rights of redeeming mortgaged or other lands taken and sold on execution may be taken and sold on another execution, in like manner as the right of redeeming mortgaged land may be taken and sold; and the debtor and those claiming under him may redeem the right sold under such second execution, in like manner as if it had been a right of redeeming mortgaged land. All proceedings in levying such second execution, and the redemption of the right sold under it, and all the rights and obligations of the several parties in relation to such levy and redemption, shall be substantially the same as if the property so taken had been a right of redeeming mortgaged land.

Sale of rights of redemption on execution.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1877.

AN ACT RELATIVE TO COSTS IN ACTIONS UNDER THE TRUSTEE PROCESS. Chap. 177

Be it enacted, &c., as follows:

SECTION 1. Parties to actions under the trustee process, entered in either of the district, municipal or police courts,

Costs in actions under the trustee process.

or before justices of the peace, shall recover the following costs :—

Plaintiff's
costs.

To the plaintiff: For writ and declaration, one dollar. For attorney's fee, one dollar and fifty cents. For term fee, where there is no appearance, seventy-five cents; and where there is an appearance, one dollar. For travel and attendance, the same fees as are now allowed by law. For execution, ten cents. For such disbursements as are not herein specially provided for, the same as are now allowed by law.

Defendant's
costs.

To defendants: For costs for travel and attendance, the same as are now allowed by law. For attorney's fee, one dollar and fifty cents. For such disbursements as are not herein specially provided for, the same as are now allowed by law.

Trustee's
costs.

To trustees recovering costs: For attorney's fee, fifty cents. For answer in writing, twenty-five cents. For travel and attendance, the same as are now allowed by law. For answer to interrogatories, such costs as the court may allow. To adverse claimants, such fees as the court may deem reasonable under all the circumstances. For taxing costs, to either plaintiff, defendant, trustee or claimant, ten cents.

Officer's fees.

To officers: For one service of the writ on one trustee, the same as now allowed by law. For service of the same writ on every additional trustee, twenty-five cents; for every additional copy, ten cents, and for the distance actually travelled in the service of the same.

Fee for entry
or for trial not
allowed.

SECTION 2. No party to a civil action in any district, municipal or police court, or before any justice of the peace or trial justice, shall hereafter pay any fee for entry or for trial.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 4, 1877.

Chap. 178 AN ACT TO GIVE GENERAL EQUITY JURISDICTION TO THE SUPREME JUDICIAL COURT, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Supreme judi-
cial court to be
court of general
equity jurisdic-
tion.

SECTION 1. The supreme judicial court shall have jurisdiction in equity of all cases and matters of equity, cognizable under the general principles of equity jurisprudence; and in respect of all such cases and matters, shall be a court of general equity jurisdiction.

Repeal.
G. S. 113, § 2.

SECTION 2. The last paragraph of section two of chapter one hundred and thirteen of the General Statutes,

beginning with the words "And shall have" is hereby repealed; but this repeal shall not affect any cause or proceeding now pending.

SECTION 3. The terms of court by existing laws required to be held for the county of Dukes County at Barnstable on the first Tuesday of May, and for the county of Nantucket at Nantucket on the first Tuesday of July, shall hereafter be held at New Bedford on the second Tuesday of November; and all matters arising or pending in the county of Dukes County or in the county of Nantucket, cognizable by the supreme judicial court, and to be heard before a single justice, shall be entered, heard, tried and determined at the court held at New Bedford for the county of Bristol, in all respects as if the same court were held in the county of Dukes County or the county of Nantucket as the case may be. And all matters for the county of Dukes County or the county of Nantucket, now pending or required to be heard before a law term of the supreme judicial court, shall be heard and determined at the law term held for the county of Bristol instead of at the law term of the court for the Commonwealth.

Terms of court
in Nantucket
and Dukes
County.

SECTION 4. Section fifteen of chapter one hundred and seven of the General Statutes, giving trial by jury in cases of divorce, is hereby repealed.

Repeal.
G. S. 107, § 15.

SECTION 5. When a divorce is decreed for the cause of adultery committed by the wife, such decree shall not affect her title to her separate real and personal estate, during her life: *provided*, that the court may decree to the husband so much of her separate real and personal estate as it may deem necessary for the support of the minor children of the marriage who may have been decreed to his custody; and *provided, further*, that if the wife afterwards contract a lawful marriage, the interest of the divorced husband in the wife's separate real and personal estate, after her death, shall cease, except in so much thereof as may have been decreed to him as herein provided. Section thirty-nine of chapter one hundred and seven of the General Statutes is hereby repealed.

Divorce for
adultery by
wife not to
affect title to
her separate
estate.
Proviso.

SECTION 6. In all suits in equity where the right of appeal from a final decree of a single justice exists, any attachment of goods or estate made in such suit shall continue for thirty days after such right of appeal shall cease.

Proviso.

Continuance of
attachment of
goods, etc., after
right of appeal
has ceased.

Approved May 4, 1877.

Chap. 179 AN ACT TO AMEND CHAPTER TWO HUNDRED AND THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, RELATING TO THE TAXABLE COSTS OF SAVINGS BANKS IN CERTAIN CASES.

Be it enacted, &c., as follows:

Amendment to
1876, 203, § 19.

SECTION 1. Section nineteen of chapter two hundred and three of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out at the end thereof the words "but in no case to the bank."

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1877.

Chap. 180 AN ACT IN ADDITION TO AN ACT FOR ENCOURAGING THE CULTIVATION OF USEFUL FISHES.

Be it enacted, &c., as follows:

Commissioners
may fix the
limits of great
ponds leased.

SECTION 1. In all cases where the commissioners on inland fisheries have leased or shall hereafter lease any great ponds in this Commonwealth for the cultivation of useful fishes, the said commissioners may fix the limits of such great ponds, and determine what arms, coves or bays of the same shall be regarded as part of said great ponds; and the limits of said great ponds, so fixed and determined by said commissioners, and recorded in the registry of deeds for the county where such ponds lie, shall be taken to be the legal limits of said great ponds for all the purposes of such case. The expense of fixing and recording such limits shall be paid by the lessees.

Record in reg-
istry of deeds.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1877.

Chap. 181 AN ACT TO PROVIDE FOR THE PROPER AUDITING OF THE EXPENSES OF LEGISLATIVE COMMITTEES.

Be it enacted, &c., as follows:

Expenses of
committees
and joint com-
mittees.

SECTION 1. No joint committee of the legislature shall, in the performance of its duties, incur any expense to be paid by the Commonwealth unless duly authorized by order of the two branches; and no committee of either branch shall incur such expense unless authorized by order of the branch to which it belongs; except as hereinafter provided.

Committees
may advertise
public hearings.

SECTION 2. Any committee of the legislature, or of either branch thereof, may advertise such public hearings on matters referred to it as it may, by vote of a majority of the whole committee, determine to be expedient, in such newspapers published within the Commonwealth as it may deem proper: *provided*, that the order for such advertisement, signed by the chairman or secretary of the

Proviso.

committee, shall be forwarded to the newspaper in which it is to be published, by the auditor of the Commonwealth, who shall keep a record of such orders, and shall certify the bills therefor.

SECTION 3. All bills properly incurred by any committee, other than those mentioned in section two, shall be approved by a majority of the committee in writing before presentation to the auditor of the Commonwealth for allowance and payment.

Bills to be approved by a majority of the committee.

SECTION 4. Postage for the several committees of the legislature, or of either branch thereof, shall be furnished by the sergeant-at-arms, who shall be reimbursed for the same.

Postage.

SECTION 5. This act shall take effect upon its passage.

Approved May 4, 1877.

AN ACT TO AMEND CHAPTER TWENTY-EIGHT OF THE GENERAL STATUTES IN RESPECT TO CLOSING TOMBS IN CITIES.

Chap. 182

Be it enacted, &c., as follows :

SECTION 1. The city council of any city may, upon report of the board of health thereof that the public health requires it, and after public notice and hearing in the manner hereinafter provided, forbid future interment in any tomb or tombs within the city limits.

Interments in tombs within city limits may be forbidden.

SECTION 2. The report of the board of health above mentioned shall specify the tomb or tombs to which its action refers, and name the owner or owners thereof if the same be known ; and thereupon the city clerk shall give notice to such owner or owners as are known and reside within the Commonwealth, and shall likewise publish a notice at least twice a week for four consecutive weeks in two or more newspapers published in the city or in the county wherein said city is situate. The said notice shall recite the report of said board of health, and shall notify all parties interested in the premises to appear before a joint committee of the city council at a time not less than two nor more than three months from the last publication of said notice, and show cause why the report of said board of health should not be accepted and the tomb or tombs therein mentioned be closed. After such hearing the city council may, upon a vote of both branches thereof and with the approval of the mayor, declare said tomb or tombs to be closed, and no interments shall thereafter be permitted therein.

Board of health to specify tombs in report.

To notify owners of tombs when repairs are needed.

May repair tombs at expense of owners.

Board of health to exercise powers of trustees, etc.
G. S. 28, § 3.

Persons aggrieved may appeal.

Provisions of G. S. 43, § 89, to apply to erection of building upon burial-ground belonging to a city.

SECTION 3. Whenever in the judgment of the board of health of any city any tomb therein needs repair, it shall give notice thereof to the known owner, or if there be more than one, to one of the known owners thereof, requiring that said tomb be put in a proper state of repair within three months from the date thereof, and if the owner or owners of said tomb be unknown, then the board of health may publish notice in the manner provided in section two, requiring the owner or owners to repair said tomb within the time above mentioned; and if the owner or owners do not repair said tomb within the time mentioned, then the board of health may enter upon said tomb and make the repairs needed, at the expense of said city. If the public health requires immediate action, the board of health may make the necessary repairs, the cost of which shall be refunded upon demand, by the owner or owners of such tomb. If the city shall incur any expense in regard to any tomb, in the manner before specified, the said tomb shall be held by said board of health, and no further use shall be made of said tomb until the owner or owners thereof shall pay the expense of said repairs and interest thereon; and after twenty years possession under this act for non-repairs, all interest and right of burial in any such tomb shall vest in the city in which the same is situate.

SECTION 4. The provisions of section three of chapter twenty-eight of the General Statutes, shall apply to all tombs in public cemeteries in cities, and the boards of health in cities shall exercise, in regard to such tombs, the powers granted by said section to trustees or directors of certain corporations.

SECTION 5. Any person aggrieved by the action of the city council or board of health under this act, may appeal therefrom in the manner provided by sections nine and ten of chapter twenty-eight of the General Statutes.

SECTION 6. The provisions of section eighty-nine of chapter forty-three of the General Statutes shall apply to the erection of any building upon any burial-ground or cemetery belonging to any city in the Commonwealth.

SECTION 7. This act shall take effect upon its passage.

Approved May 4, 1877.

AN ACT RELATING TO THE TEMPORARY AID OF STATE PAUPERS BY
CITIES OR TOWNS. *Chap. 183**Be it enacted, &c., as follows :*

SECTION 1. Any city or town through its authorities, having charge of the execution of the laws for the maintenance of the poor, may, if said authorities deem that the same is for the public interest, furnish temporary aid to poor persons found within its limits, having no settlement within the Commonwealth, and the expense thereby incurred, after notice has been sent as hereinafter provided, shall be repaid from the treasury of the Commonwealth to such city or town: *provided*, that said authorities shall give immediate notice by mail in each case to the general agent of state charities, who in person or by one of his assistants shall examine the case and direct the continuance of such aid, or removal to the state almshouse or to some place outside the Commonwealth, either before or after removal to the state almshouse, in accordance with existing laws; and *provided, also*, that except in cases of sick state poor, such aid shall not be furnished at any one time for a longer period than four weeks or to a greater amount than one dollar per week for each person, or five dollars per week for each family, and *provided, also*, that all claims of cities and towns against the Commonwealth, for furnishing aid under the provisions of this act, shall be rendered in detail and shall be approved by the general agent of state charities before the same shall be paid.

Temporary aid for state paupers; expense to be repaid by state.

Proviso.

Proviso.

Proviso.

SECTION 2. Nothing contained in this act shall be construed to alter or repeal any of the provisions of law in regard to the sick state poor, or persons ill with contagious diseases.

Not to repeal laws concerning sick state poor, etc.

*Approved May 4, 1877.*AN ACT TO PROVIDE FOR THE ASSIGNMENT OF COUNSEL AND THE
ATTENDANCE OF CERTAIN WITNESSES IN CRIMINAL TRIALS OF
INMATES OF REFORM SCHOOLS. *Chap. 184**Be it enacted, &c., as follows :*

Inmates of any of the reform schools now existing, or which may hereafter be established in this Commonwealth, who are sent for trial to the criminal courts for offences alleged to have been committed in such institutions, may have counsel for their defence assigned by any judge of the court wherein they are to be tried; and any judge of said court shall, upon application, order the superintendent or other officer in charge of the institution wherein such offence is alleged to have been committed, to produce at

Counsel may be assigned for inmates of reform schools on trial for criminal offences, etc.

Inmates may be summoned as witnesses.

the trial such inmates of said institution as the counsel assigned to the prisoner shall certify in writing, in his opinion are, or as the judge in the absence of counsel shall deem to be, necessary or material witnesses for the defence ; and such superintendent or other officer shall obey said order, having due regard to the custody, control and safe return of such inmates.

Approved May 4, 1877.

Chap. 185 AN ACT TO AUTHORIZE A MORE STRICT SUPERVISION OF THE BUSINESS OF PAWNBROKERS.

Be it enacted, &c., as follows :

Pawnbroker's place of business may be entered and examined at any time by police.

SECTION 1. The chief of police of any city or the selectmen of any town, and the chief detective of the Commonwealth or any officer by them or either of them authorized, may at any time enter upon any premises used for the purposes of his business by any licensed pawnbroker, to ascertain the manner in which such person conducts his business, and to examine all goods, wares, merchandise and articles whatsoever received or taken in pawn or kept or stored in or upon said premises, and all books and inventories relating thereto ; and every such pawnbroker, his clerk, agent, servant or other person in charge of said premises, shall exhibit to such officer on demand any and all of said goods, wares, merchandise, articles, books and inventories.

Penalty on pawnbroker, etc., for refusing to admit officer.

SECTION 2. Any licensed pawnbroker, clerk, agent or other person in charge of said premises, who shall refuse to admit thereto any officer authorized to enter the same, or shall fail to exhibit to such officer on demand, all said goods, wares, merchandise, articles, books and inventories, or any person who shall wilfully hinder, obstruct or prevent such officer from entering said premises, or from making the examination authorized in the preceding section, shall upon conviction thereof be punished by fine not exceeding two hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1877.

Chap. 186

AN ACT IN RELATION TO OVERSEERS OF THE POOR.

Be it enacted, &c., as follows :

Overseers of the poor in towns.

SECTION 1. Any town in this Commonwealth, which shall have accepted the provisions of this act at any annual

meeting thereof, may at such or any annual meeting thereafter, elect by written ballot from the inhabitants thereof, three persons to be overseers of the poor in such town, one person for one year, one person for two years, and one person for three years, and thereafter at the annual meeting in like manner may elect one person to serve for three years, and these persons so chosen shall constitute the board of overseers of the poor in such town.

SECTION 2. The members of said boards shall hold office until others are elected and qualified in their stead; vacancies from any cause may be filled by a new choice at any legal meeting, and the person chosen to fill any vacancy shall hold office during the unexpired term, and until another is chosen and qualified in his stead.

To hold office until others are qualified.

Vacancies.

SECTION 3. Said boards shall meet and organize annually within seven days after the annual town meeting, by the choice of a chairman and secretary, which last named officer may be from their own number or otherwise.

Organization.

SECTION 4. Said boards shall cause books to be kept, wherein shall be entered in a neat and methodical style, all information in regard to such needy persons as shall have been aided under their direction, that is required by the general laws of this Commonwealth, and also all further information in regard to every individual case of relief given, asked for or refused, as may be of importance to their towns or the Commonwealth to preserve, stating the amount and kind of aid given, and the reasons for giving such aid or of refusing the same; such information to be so arranged as to be readily referred to upon the books.

Books to be kept showing amount and kind of aid given.

SECTION 5. The acceptance of this act by any town may at any subsequent annual meeting thereof be revoked by such town, and thereupon this act shall cease to be operative in such town.

Acceptance of act may be revoked.

SECTION 6. This act shall take effect upon the first day of July next.

Approved May 4, 1877.

AN ACT RELATING TO THE CIVIL JURISDICTION OF THE MUNICIPAL COURT OF THE CITY OF BOSTON. *Chap. 187*

Be it enacted, &c., as follows:

The municipal court of the city of Boston shall have original concurrent jurisdiction with the superior court, of all civil actions and proceedings, (except when the title to real estate is put in issue), wherein the damages demanded or the value of the property alleged to be detained exceed

Civil jurisdiction.

one hundred and do not exceed one thousand dollars, and one or more of the defendants, or in trustee process one or more of the trustees, live or have their usual place of business in the city of Boston.

Approved May 4, 1877.

Chap. 188 AN ACT TO FIX THE SALARY OF THE JUSTICE OF THE SECOND DISTRICT COURT OF BRISTOL.

Be it enacted, &c., as follows:

Salary established.

The annual salary of the justice of the second district court of Bristol shall be twenty-five hundred dollars from and after the first day of January last.

Approved May 4, 1877.

Chap. 189 AN ACT TO AUTHORIZE THE HOLDING OF SESSIONS OF THE FIRST DISTRICT COURT OF BRISTOL, AT ATTLEBOROUGH.

Be it enacted, &c., as follows:

Sessions of court to be held at Attleborough daily.

SECTION 1. Sessions of the first district court of Bristol shall be holden daily at Attleborough by one of the special justices of said court for the transaction of criminal business, and on Monday of each week for the transaction of civil business. The justice holding said court shall keep a record of the proceedings had before him, which he shall transmit to the clerk of said court to be by said clerk entered upon the dockets and record books of said court. The justice holding said court shall account with and pay over to the clerk of said court all fines, costs and fees received by said justice. The justice holding said sessions shall be paid at the rate of six hundred dollars per annum from the treasury of Bristol County, to be paid monthly, and the same shall be divided between said special justices, in proportion to the number of sessions held by each.

Compensation of justice.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1877.

Chap. 190 AN ACT TO AMEND SECTION SEVENTEEN OF CHAPTER ONE HUNDRED AND SEVENTY-FOUR OF THE GENERAL STATUTES RELATING TO SENTENCES OF CONVICTS.

Be it enacted, &c., as follows:

Sentence of convicts,
G. S. 174, § 17.

SECTION 1. Section seventeen of chapter one hundred and seventy-four of the General Statutes is hereby amended by striking out the words "one year," and inserting instead thereof the words "three years."

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1877.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF *Chap. 191*
SALEM.

Be it enacted, &c., as follows:

SECTION 1. All the power and authority now by law vested in the city council of the city of Salem or in the mayor and aldermen thereof, relative to the public health and quarantine of vessels, shall continue to be vested in said city council to be carried into execution by the appointment of one or more health commissioners; or in such other manner as the health, cleanliness, comfort and order of the city may in their judgment require, subject to such alteration as the legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the city council themselves, or by any persons outside of their own body whom they may appoint as a board of health, with or without compensation as said city council may determine; and the city council may constitute either branch, or any committee of their number, whether joint or separate, the board of health for all or for particular purposes.

Health commissioners may be appointed.

SECTION 2. Section eleven of chapter forty-two of the acts of the year eighteen hundred and thirty-six is so far amended that the city council of the city of Salem, in the month of January in the year eighteen hundred and seventy-eight, shall choose in convention three assessors, one of whom shall be chosen to serve for one year, one for two years and one for three years, and thereafter in the month of January of each year they shall choose one assessor to serve for the term of three years; and in case any vacancy shall occur the city council shall fill such vacancy by choosing a person to serve for the remainder of the term.

Assessors to be chosen for one, two and three years.

SECTION 3. Sections fifty-one and fifty-two of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four shall apply to the election of ward officers in the city of Salem, anything in the charter of said city or in any act in amendment thereof to the contrary notwithstanding.

Election of ward officers.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved May 4, 1877.

Chap. 192 AN ACT AUTHORIZING PAYMENT OF STATE AID TO DISABLED SOLDIERS AND THEIR FAMILIES, AND THE FAMILIES OF DECEASED SOLDIERS.

Be it enacted, &c., as follows :

State aid for disabled soldiers and sailors.

SECTION 1. The treasurers of cities and towns may, under the direction of the city council or selectmen thereof, pay monthly, state aid to disabled soldiers and sailors, and their dependent relatives, and the dependent relatives of deceased soldiers and sailors, including commissioned officers, having a residence and actually residing in their respective cities and towns, as follows: *provided*, they are, in the opinion of said city council or selectmen, in such necessitous circumstances as to require further public assistance, and, in case of disabled soldiers and sailors, are so far disabled by their service in the army or navy during the late rebellion, as to prevent them from following their ordinary and usual vocation; *provided, also*, that city and town authorities shall withhold the aid, when in their judgment any person who is in receipt of a pension from the United States is not in such necessitous circumstances or so disabled, and *provided, further*, that they are not receiving aid from any other state, nor from any other city or town in this state, and were actual residents of the state of Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

Proviso.

Proviso.

Proviso.

Invalid pensioners.

First. Invalid pensioners of the United States who served in the army or navy, to the credit of the state of Massachusetts, between April nineteenth, eighteen hundred and sixty-one, and September first, eighteen hundred and sixty-five, or, being actual residents of this state at the time of enlistment, served to the credit of any other state between April nineteenth, eighteen hundred and sixty-one, and March eighteenth, eighteen hundred and sixty-two, who have been honorably discharged from said service, a sum not exceeding three-fourths of the amount of the monthly pension they are entitled to receive: *provided*, if pensioned as commissioned officers, they shall only be paid such proportion of state aid as they would be entitled to receive if their pension were based upon the rank of a private soldier; and that not exceeding six dollars per month be paid to any one of the persons named in this section.

Proviso.

Widow, children and widowed mother of soldier

Second. The widow, children and widowed mother of any soldier or sailor dying in the service.

Third. The widow, children and widowed mother of any soldier or sailor dying after his honorable discharge, of wounds or disease incurred in said service, or dying while in the receipt of a pension from the United States, and the state aid; and the wife, children and widowed mother of any invalid pensioner receiving from the United States one-half the amount allowed for total disability: *provided*, such children are under the age of fourteen years, whether the allowance be made under the provisions of this or any other act or resolve; and *provided*, in all cases, said soldiers and sailors served to the credit of the state of Massachusetts between the nineteenth day of April, eighteen hundred and sixty-one, and the first day of September, eighteen hundred and sixty-five, or, being inhabitants of this state at the time of their enlistment, served to the credit of any other state, between the nineteenth day of April, eighteen hundred and sixty-one, and the eighteenth day of March, eighteen hundred and sixty-two, the sum of four dollars each, *provided*, that not exceeding eight dollars shall be paid to all those who were dependent upon such soldier or sailor, and that no aid shall be paid to any such wife or widow of a discharged soldier or sailor, unless married to him prior to his final discharge, nor to any such child of a discharged soldier or sailor, unless born prior to his final discharge.

or sailor dying in service, or dying from wounds or disease contracted during service.

Proviso.

Proviso.

Proviso.

Fourth. The widow or wife, children and widowed mother of any officer, soldier or sailor who served as aforesaid to the credit of the state of Massachusetts, between April nineteenth, eighteen hundred and sixty-one, and September first, eighteen hundred and sixty-five, and who appears on the rolls of his regiment or company, in the office of the adjutant-general, to be missing or to have been captured by the enemy, and who has not been exchanged, or has not returned from captivity, or who is not known to be alive: *provided*, that aid shall not be paid to said relatives of such officer, soldier or sailor, if the municipal authorities have good and sufficient reasons to believe that he deserted from the service, or that he is still living and wilfully absent from his family, or if said relatives receive aid from any other state, or from any other town under the provisions of this act.

Widow, children, etc., of missing soldier.

Proviso.

Fifth. Persons who were receiving state aid prior to April eleventh, eighteen hundred and sixty-seven, and who were precluded therefrom by the provisions of the act

To persons precluded by act passed April 11, 1867.

Proviso.

of that date: *provided*, said city council or selectmen are satisfied, upon evidence first reported to the commissioners named in section seven and satisfactory to them, that justice and necessity require a continuance of the aid to prevent actual suffering.

The word "children" defined.

Sixth. The word "children," wherever used in this statute, shall include any child or children born after the death of the father in the service of the United States, for the benefit of whom any city or town shall pay state aid as provided by chapter two hundred and nineteen of the acts of the year eighteen hundred seventy-six.

Mode of application for state aid.

SECTION 2. Persons applying for aid under this act shall state in writing, under oath, the age and residence of the party for whom such aid is claimed; the relation of the claimant to the party who rendered the service for which aid is claimed; the company and regiment or the vessel in which the officer, soldier or sailor enlisted, and that in which he last served; the date and place of such enlistment, when known; the duration of such service; and the reason upon which the claim for aid is founded. And it shall be the duty of the auditor to furnish from time to time, to each city and town, a sufficient number of suitable blank forms for the use of applicants for aid under this act.

Blanks for use of applicants.

State aid not to be assigned or subject to trustee process.

SECTION 3. All aid furnished under the provisions of this act shall be solely for the benefit of the person for whom it is intended, and shall be paid to said person directly or upon his or her order; and it shall not be subject to trustee process nor assigned. And no transfer of said aid heretofore made shall be recognized in settlement of the same: *provided, however*, the treasurers of cities and towns may, under the direction of the city council or selectmen thereof, pay the sums due for aid to any officer, soldier or sailor, or so much thereof as they may think best, to the wife or family of such officer, soldier or sailor, or for the benefit of such wife or family; and the amounts so paid shall be reimbursed in the same manner as if paid to such officer, soldier or sailor in person.

Proviso.

Aid to be discontinued if person is convicted of a criminal offence.

SECTION 4. If any person to whom the aid is paid shall be convicted of any criminal offence at common law, or under the statute of this Commonwealth, said aid shall be discontinued to said person, unless or until the municipal authorities shall in their discretion otherwise determine.

Applicants for aid in town where not credited.

SECTION 5. When applicants for aid have their residence in a city or town to which they are not credited,

notice of their application shall be forthwith sent by such town to the place to which said applicants are credited; and if an answer to such notice, setting forth all the facts touching the application necessary to be known by the town to which application is made, is not sent by mail within seven days from the receipt of the same, the city or town in which such applicants reside may recover in an action of contract against the town or city so neglecting to answer, all such sums as they may advance to such applicants not reimbursed by the state.

SECTION 6. Any town or city may raise money by taxation or otherwise, and if necessary apply the same for the purpose set forth in this act; and no persons entitled to aid under the provisions of this act shall receive said aid prior to the date of their application.

Cities and towns
may raise money
by taxation.

SECTION 7. The auditor, the adjutant-general and the surgeon-general of the Commonwealth, shall constitute a commission to decide upon all questions which may arise in the payment of aid, between the municipal authorities and disabled soldiers claiming the aid; and in all cases their decision shall be final.

Commission.

SECTION 8. On or before the fifth day of January in each year there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money as aforesaid, a full and particular report, setting forth the names of the officers, soldiers and sailors for the aid of whom and for the aid of whose families money has been applied as aforesaid, the name of the company and regiment and the name of the vessels in which such officers, soldiers and sailors respectively enlisted, and in which they last served, and the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such officers, soldiers or sailors, the sums paid to each of such persons, and the time when the same were paid; and such report shall be sworn to by a majority of the selectmen of such town, or by the mayor and a majority of the aldermen of such city; and after it has been examined and approved by said auditor, there shall be reimbursed annually to said city or town, from the treasury of the Commonwealth, on or before the first day of December in the year in which the report is made, the amount legally paid as aforesaid, in accordance with the provisions of this act; but none of the expenses attending

Returns to be
made to the
auditor of
amounts paid,
etc.

Auditor to furnish blanks for returns.

the payment of said aid shall be reimbursed. The auditor of the Commonwealth shall, before the first day of January in each year, furnish to the several cities and towns suitable blanks for the returns required by this section.

Commissioners to examine returns from towns and cities.

SECTION 9. It shall be the duty of the commissioners constituted by section seven to inspect all such returns, and whenever it shall appear by the inspection thereof, or otherwise, that the amount paid by the treasurer of any city or town under the provisions of this act, for any quarter or greater period of time, is at a rate which, if continued for one year, would exceed the proportion of fifty per centum of the state tax of such city or town for the previous year, or if for any reason the amount so paid shall appear to be unreasonably large, it shall be the duty of said commissioners to make, or cause to be made, an examination of the persons or claims of persons to whom the same has been paid, and of the parties by whom said returns are made; and in all cases of any fraud or neglect of duty on the part of the persons making such returns, or of the authorities of any city or town granting aid, said commissioners shall deduct from the amount claimed by any city or town the amount paid to any person or persons, when in their judgment the same should not have been paid under the provisions of this act, and shall certify the same to the treasurer and receiver-general who shall reimburse to said city or town only the balance thus designated.

Expenses of examination.

Said commissioners may appoint, as occasion may require, one or more disinterested persons, not exceeding three in number, whose duty it shall be to make the examinations provided for in this section, and make full returns of their doings to said commissioners. Such expenses as may be incurred in making said examination, including such reasonable compensation to the persons appointed under the provisions of this section for their services as shall be approved by the commissioners and allowed by the governor and council, shall be paid out of the treasury of the Commonwealth. No person shall be appointed to make such examinations in the county where he may reside.

Provisions of act to extend till Jan. 1, 1880.

SECTION 10. The provisions of this act shall continue till the first day of January in the year eighteen hundred and eighty, and no allowances of state aid by special acts or resolves shall be extended beyond said date.

SECTION 11. Chapters one hundred and seventy-two Repeal. and two hundred and eighty-two of the acts of the year eighteen hundred and sixty-six, one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, one hundred and seven and one hundred and fifteen of the acts of the year eighteen hundred and sixty-eight, three hundred and thirty-nine and three hundred and eighty-eight of the acts of the year eighteen hundred and seventy, two hundred and ninety-nine of the acts of the year eighteen hundred and seventy-one, three hundred and twenty-four of the acts of the year eighteen hundred and seventy-two, except section two of said act, three hundred and thirty of the acts of the year eighteen hundred and seventy-four, and two hundred and nineteen of the acts of the year eighteen hundred and seventy-six, are hereby repealed.

SECTION 12. This act shall take effect upon its passage.

Approved May 4, 1877.

AN ACT TO ESTABLISH THE BOARD OF REGISTRARS OF VOTERS OF THE CITY OF WORCESTER, AND TO REGULATE THE PREPARATION AND REVISION OF THE VOTING LISTS IN SAID CITY.

Chap. 193

Be it enacted, &c., as follows:

SECTION 1. There shall be elected by the city council of the city of Worcester, as soon as may be after the passage of this act, and biennially thereafter in the month of February or March, one able and discreet person, an inhabitant of said city, who shall hold no other office or position by election or appointment under the government thereof, and who shall hold his office for two years and until another shall be elected in his place, who, together with the city clerk and the clerk of the board of assessors of said city, shall constitute a board of registrars of voters. The person elected as above shall serve as clerk of the board, and in case of a vacancy by reason of death, resignation or removal, the city council shall elect a person qualified as aforesaid to hold the office for the residue of the term.

Registrars of voters to be elected.

SECTION 2. The registrars shall, in addition to the duties imposed upon them by this act, perform all and singular the duties devolved upon the mayor and aldermen or board of aldermen by any general or special laws which now are or hereafter may be in force respecting the preparation, correction, revision, publication and transmission

To prepare and revise voting lists.

to the ward officers, of the alphabetical lists of voters to be used at elections in said city, and all the powers so conferred and all the duties and liabilities so imposed upon the mayor and aldermen or board of aldermen of said city in relation to the preparation, correction, revision, publication and transmission of said lists, are hereby conferred and imposed exclusively upon said registrars.

Registrars to be sworn.

Compensation.

SECTION 3. The registrars shall, before entering upon the duties of their office, take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council may from time to time determine, but such compensation shall not be regulated by the number of names registered on any list of voters, and any reduction of compensation shall take effect upon such registrars only as shall be elected after such reduction.

To prepare alphabetical lists of voters.

SECTION 4. The registrars shall prepare, correct, revise and publish, in accordance with this act and with the laws of the Commonwealth, the alphabetical lists of voters of each ward, and the collectors of taxes of said city shall make the return now required by law to be made to the mayor and aldermen, to the board of registrars of voters, and all assessors and collectors of taxes of said city shall furnish any information in their possession necessary to aid the registrars in the discharge of their respective duties.

Registration to cease at ten o'clock in the evening of seventh day preceding election.

SECTION 5. All registration of voters in said city shall cease at ten o'clock in the evening of the seventh day next preceding the day of any election; and no name shall thereafter be entered on the voting lists of said city except as provided in section ten of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four. And the registrars shall, at least twenty-four days previous to the day of the annual state election, cause notices of the time of closing, together with printed lists of the voters in each ward, to be posted in one or more places in such ward, with notices thereon stating the place and hours in which they will hold sessions to correct and revise the lists; and such sessions shall be held in some place convenient to the voters, three or more hours daily, for at least twelve days within the twenty-four days immediately preceding the annual state election, and in addition, six evening sessions, of at least two hours' length each, shall be held within the said twenty-four days.

SECTION 6. The registrars, before entering upon the voting list the name of a naturalized citizen who is an applicant for registration, shall require him to produce for their inspection his papers of naturalization, and shall be satisfied that he has been legally naturalized, and they shall also require such applicant to make oath that he is the identical person to whom said papers were issued; but they need not require the production of such papers after they have once examined and passed upon them.

Naturalized
citizens.

SECTION 7. The city council shall furnish office room for the registrars, and such aid as shall be necessary for carrying out the provisions of this act.

Office room, etc.,
to be furnished.

SECTION 8. Whoever gives a false name or a false answer to any registrar concerning any matter relating to the registration of voters, or to the right of any person to vote, shall incur the same penalty which is provided by law for giving a false name or a false answer to the selectmen of towns when in session to correct the lists of voters.

Penalty for
giving false
answer.

SECTION 9. Any registrar who wilfully neglects or refuses to perform the duties of his office shall, for each offence, forfeit a sum not exceeding two hundred dollars.

Penalty on
registrar for
neglect.

Approved May 4, 1877.

AN ACT TO AUTHORIZE THE RAILROAD COMMISSIONERS TO SUMMON WITNESSES, ADMINISTER OATHS AND TAKE TESTIMONY.

Chap. 194

Be it enacted, &c., as follows:

SECTION 1. The railroad commissioners in all cases investigated by them, may summon witnesses in behalf of the Commonwealth, and may administer oaths and take testimony. The fees of such witnesses for attendance and travel shall be the same as for attendance before the superior court, and shall be paid from the treasury of the Commonwealth upon the certificate of said commissioners, duly filed with the auditor.

May summon
witnesses and
administer
oaths.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1877.

AN ACT TO ESTABLISH AN ADVISORY BOARD OF WOMEN TO THE INSPECTORS OF THE STATE ALMSHOUSE AT TEWKSBURY, THE STATE REFORM SCHOOL AT WESTBOROUGH, AND OF THE STATE PRIMARY SCHOOL AT MONSON.

Chap. 195

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall before the first day of July next appoint three competent women as an advisory board to

Advisory board
of women to be
appointed.

the inspectors of the state almshouse at Tewksbury, the state reform school at Westborough, and of the state primary school at Monson, subject to removal in like manner as said inspectors, who shall hold their offices for the terms of one, two and three years respectively, from the first day of July next. Before the first day of July in each year, one member of said board shall be, in like manner, appointed for the term of three years from said day. Upon the occurrence of a vacancy before the expiration of a term, an appointment shall be made for the remainder of the term.

To visit institutions as often as once each month.

SECTION 2. The said advisory board or some one of them shall visit the state almshouse, the state reform school at Westborough and the state primary school, as often as once in each month, for the purpose of inspecting said institutions; for this purpose they shall have access at all hours of the day or night to the portions of said institutions used or occupied by the women and children there maintained at the public expense, and the officers of said institutions shall furnish said advisory board with all the information concerning the condition and treatment of their inmates, which the members of said board shall require.

To make a written report to the board of state charities.

SECTION 3. Said advisory board shall make a written report to the board of state charities on the first day of each quarter, beginning with the first day of October next, in relation to the condition, treatment and needs of the inmates of said institutions, with such suggestions and recommendations as they shall deem expedient and proper; a copy of said report shall be transmitted to the inspectors of each institution, respectively, within seven days after it shall have been received by the board of state charities. Reports may also be made to said inspectors by said advisory board as often as may be deemed expedient. An annual report for the use of the legislature shall be made by said advisory board and printed with the annual report of the board of inspectors.

Annual report to the legislature.

Expenses to be paid by state.

SECTION 4. Said advisory board shall receive no compensation for their services, but their actual expenses, incurred in the discharge of their duties prescribed by this act, shall be paid by the Commonwealth.

Approved May 4, 1877.

AN ACT RELATING TO THE SCITUATE BEACHES.

Chap. 196

Be it enacted, &c., as follows:

The penalty imposed by section one of chapter two hundred and six of the acts of the year eighteen hundred and seventy-three, for the offence of removing material from the beaches of Scituate, shall not be incurred by the inhabitants of said town who remove said material to use for building or domestic purposes, with the consent and under the direction of the harbor commissioners.

Material may be used for building purposes, with consent of harbor commissioners.

Approved May 4, 1877.

AN ACT IN RELATION TO THE BROOKLINE STATION OF THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY.

Chap. 197

Be it enacted, &c., as follows:

SECTION 1. The board of railroad commissioners is hereby authorized, upon the petition of twenty legal voters of the town of Brookline, after due notice to the New York and New England Railroad Company, and such hearing as said board shall deem expedient, if in the judgment of said commissioners the duties and obligations of said company or the public exigency require it, to order said company to construct within three months from the date of said order, and thereafter to maintain upon its railroad at or near Cypress Street in said Brookline, a station-house reasonably commodious for the use of passengers, together with sufficient platforms, and containing a ticket office and separate apartments for men and women; and also to stop at such station after said three months, all or a specified portion of its passenger trains crossing said Cypress Street.

Commissioners may order establishment of station near Cypress Street, in Brookline.

SECTION 2. In case of the neglect or refusal of said company to comply with and fulfil all the requirements of said order, a copy of which shall be delivered by said board to the president, or some other officer of said company within ten days from its date, the supreme judicial court or any justice thereof, sitting in equity in any county, shall have full power forthwith to make and issue such orders and decrees in the premises as may be necessary to compel specific performance of the terms of said order by said company; and for every month's delay, neglect or refusal on the part of said company, to comply with and fulfil all the requirements of said order, said company shall forfeit and pay, in addition, the sum of two hundred dollars, to be recovered to the use of said town in

Penalty for refusal to comply with order.

an action of tort brought by the selectmen in the name of said town.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1877.

Chap. 198 AN ACT DEFINING THE MANNER IN WHICH MUTUAL FIRE INSURANCE COMPANIES SHALL TRANSACT BUSINESS.

Be it enacted, &c., as follows :

Deposit notes taken by mutual fire insurance companies.

SECTION 1. Mutual fire insurance companies organized or incorporated under any general or special laws of this Commonwealth, may take deposit notes for as many times the cash premium upon their policies as their by-laws may provide; but such notes shall not, except as hereinafter provided, be less in amount than three times nor more than ten times the said cash premium. Such notes shall contain a stipulation that the same are to be paid at such times and in such sums as the directors may order or assess, pursuant to the by-laws, and the said notes shall constitute the entire liability of the insured as a member of the company.

When cash assets exceed liabilities \$50,000 and \$100,000.

SECTION 2. Whenever the cash assets of any company as aforesaid exceed the liabilities, including therein unearned premiums, in the sum of fifty thousand dollars, deposit notes may be received for a sum equal to twice the cash premium, and when the cash assets exceed the liabilities as aforesaid in the sum of one hundred thousand dollars, deposit notes may be received of the same amount as the cash premium. Whenever any reduction shall be made in the deposit notes to be received, all outstanding notes in the possession of the company shall be reduced in the same ratio, that is, the liability of the makers thereof shall be correspondingly diminished.

May provide for accumulation of a permanent fund.

SECTION 3. Mutual fire insurance companies as aforesaid may, at a meeting called for such purpose, provide for the accumulation of a permanent fund, by reserving a portion of the net profits to be invested and be a reserve for the security of the insured. Such reservation shall not exceed twenty per cent. of said net profit, and when the fund so accumulated shall amount to one per cent. of the sum insured by all policies in force, the whole of the net profits shall be divided among the insured at the expiration of their policies. The permanent fund so accumulated shall be drawn upon, for the payment of losses and expenses, whenever the cash funds in excess of an

amount equal to the liabilities as aforesaid are exhausted, and whenever the said fund shall be drawn upon, the reservation of profits as aforesaid shall be renewed or continued until the limit of accumulation as herein provided is reached.

SECTION 4. Mutual fire insurance companies incorporated under any special laws of this Commonwealth, which have heretofore conducted their business upon the plan of taking deposit notes for a percentage of the amount insured by their policies, and making a call or assessment upon said notes for the payment of losses and expenses as the same are incurred, may continue such system of business, and the note of the party insured shall constitute his entire liability as a member of the company.

Companies taking notes for percentage of risk and assessing as losses occur, may continue the system.

SECTION 5. The provisions of this act shall not apply to mutual fire insurance companies organized with a guarantee capital under the provisions of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-two.

Not to apply to companies with guarantee capital.

SECTION 6. Mutual fire insurance companies insuring manufacturing property only, may insure such property situated in any of the states of the United States: *provided*, it is done in compliance with the laws of such other states.

May insure manufacturing property in other states.

SECTION 7. This act shall take effect on the first day of July next, and all acts and parts of acts inconsistent herewith are hereby repealed.

To take effect July 1, 1877.

Approved May 8, 1877.

AN ACT TO PROVIDE FOR A FINAL SETTLEMENT OF PROBATE ACCOUNTS.

Chap. 199

Be it enacted, &c., as follows:

SECTION 1. When upon the filing of any account by a trustee or guardian in the probate court, or at the hearing thereon, it appears to the court that the interest of any person unborn, unascertained or otherwise legally incompetent, is not represented otherwise than by the account, the court may, and upon the request of any person interested shall, appoint some competent and disinterested person to act as guardian *ad litem* or next friend for such person, to represent his interest in the case.

Settlement of accounts of guardians and trustees.

Guardian *ad litem*.

SECTION 2. Such person so appointed shall make oath to perform his duty faithfully and impartially, and shall be entitled to such reasonable compensation for his services as the court may allow.

Person appointed to be sworn.

SECTION 3. The decree of the court having jurisdiction, allowing any account of a trustee or guardian, shall be

Decree of court to be conclusive.

final and conclusive, against all persons interested who are of lawful age and legally competent, and have had actual notice of the same, unless an appeal therefrom is taken within thirty days thereafter, except in case of any fraudulent concealment by such accountant.

Approved May 8, 1877.

Chap. 200 AN ACT TO ABOLISH THE OFFICE OF CORONER AND TO PROVIDE FOR MEDICAL EXAMINATIONS AND INQUESTS IN CASES OF DEATH BY VIOLENCE.

Be it enacted, &c., as follows :

Office of coroner abolished.

SECTION 1. The offices of coroner and special coroner are hereby abolished.

Medical examiners to be appointed.

SECTION 2. The governor shall nominate and by and with the advice and consent of the council shall appoint, in the county of Suffolk not exceeding two, and in each other county not exceeding the number to be designated by the county commissioners as hereinafter provided, able and discreet men, learned in the science of medicine, to be medical examiners; and every such nomination shall be made at least seven days prior to such appointment.

Medical examiners in Suffolk—Salary.

SECTION 3. In the county of Suffolk each medical examiner shall receive, in full for all services performed by him, an annual salary of three thousand dollars, to be paid quarterly from the treasury of said county; and in other counties they shall receive for a view without an autopsy, four dollars; for a view and autopsy, thirty dollars; and travel at the rate of five cents per mile to and from the place of the view.

Examiners to hold office for seven years.

SECTION 4. Medical examiners shall hold their offices for the term of seven years from the time of appointment, but shall be liable to removal from office at any time by the governor and council for cause shown.

To be sworn and give bond.

SECTION 5. Each medical examiner, before entering upon the duties of his office, shall be sworn and give bond, with sureties in the sum of five thousand dollars, to the treasurer of the county, conditioned for the faithful performance of the duties of his office. If a medical examiner neglects or refuses to give bond as herein required, for the period of thirty days after his appointment, the same shall be void and another shall be made instead thereof.

Commissioners to divide counties into districts.

SECTION 6. The county commissioners in each county shall, as soon as may be after the passage of this act, divide their several counties into suitable districts for the

appointment of one medical examiner in each district under this act; and when such division is made, shall at once certify their action to the secretary of the Commonwealth, who shall lay such certificate before the governor and council; but nothing herein shall prevent any medical examiner from acting as such in any part of his county.

SECTION 7. Medical examiners shall make examinations as hereinafter provided, upon the view of the dead bodies of such persons only as are supposed to have come to their death by violence.

To make examinations upon the view of dead bodies.

SECTION 8. Whenever a medical examiner has notice that there has been found or is lying within his county, the dead body of a person who is supposed to have come to his death by violence, he shall forthwith repair to the place where such body lies and take charge of the same; and if on view thereof and personal inquiry into the cause and manner of the death, he deems a further examination necessary, he shall, upon being thereto authorized in writing by the district attorney, mayor or selectmen of the district, city or town where such body lies, in the presence of two or more discreet persons, whose attendance he may compel by subpœna if necessary, make an autopsy, and then and there carefully reduce or cause to be reduced to writing every fact and circumstance tending to show the condition of the body, and the cause and manner of death, together with the names and addresses of said witnesses, which record he shall subscribe. Before making such autopsy he shall call the attention of said witnesses to the position and appearance of the body.

To make an autopsy, upon being duly authorized.

SECTION 9. If upon such view, personal inquiry or autopsy, he shall be of opinion that the death was caused by violence, he shall at once notify the district attorney and a justice of the district, police or municipal court for the district or city in which the body lies, or a trial justice, and shall file a duly attested copy of the record of his autopsy in such court, or with such justice, and a like copy with such district attorney; and shall in all cases certify to the clerk or registrar having the custody of the records of births, marriages and deaths in the city or town in which the person deceased came to his death, the name and residence of the person deceased, if known, or a description of his person, as full as may be for identification, when the name and residence cannot be ascertained,

To notify district attorney, etc., if in his opinion death was caused by violence.

To notify city or town clerk.

together with the cause and manner in and by which the person deceased came to his death.

Court or trial justice to hold inquest.

SECTION 10. The court or trial justice shall thereupon hold an inquest, which may be private, in which case any or all persons other than those required to be present by the provisions of this chapter, may be excluded from the place where the same is held; and said court or trial justice may also direct the witnesses to be kept separate, so that they cannot converse with each other until they have been examined. The district attorney or some person designated by him, may attend the inquest and may examine all witnesses. An inquest shall be held in all cases of death by accident upon any railroad; and the district attorney or the attorney-general may direct an inquest to be held in the case of any other casualty from which the death of any person results, if in his opinion such inquest is necessary or expedient.

District attorney or attorney-general may direct inquest to be held.

Witnesses may be summoned, and allowed pay.

SECTION 11. The justice or district attorney may issue subpoenas for witnesses, returnable before such court or trial justice. The persons served with such process shall be allowed the same fees, and their attendance may be enforced in the same manner, and they shall be subject to the same penalties, as if served with a subpoena in behalf of the Commonwealth in a criminal prosecution pending in said court, or before said trial justice.

Justice to report when, where and by what means deceased came to his death.

SECTION 12. The presiding justice or trial justice shall, after hearing the testimony, draw up and sign a report in which he shall find and certify when, where and by what means the person deceased came to his death, his name if known, and all material circumstances attending his death; and if it appears that his death resulted wholly or in part from the unlawful act of any other person, he shall further state, if known to him, the name of such person and of any person whose unlawful act contributed to such death, which report he shall file with the records of the superior court in the county wherein the inquest is held.

Witnesses may be bound over, if murder or manslaughter has been committed.

SECTION 13. If the justice finds that murder, manslaughter, or an assault has been committed, he may bind over, as in criminal prosecutions, such witnesses as he deems necessary, or as the district attorney may designate, to appear and testify at the court in which an indictment for such offence may be found or presented.

Justice to issue process for arrest of person

SECTION 14. If a person charged by the report with the commission of any offence is not in custody, the

justice shall forthwith issue process for his apprehension, and such process shall be made returnable before any court or magistrate having jurisdiction in the premises, who shall proceed therein in the manner required by law ; but nothing herein shall prevent any justice from issuing such process before the finding of such report if it be otherwise lawful to issue the same.

SECTION 15. If the medical examiner reports that the death was not caused by violence, and the district attorney or the attorney-general shall be of a contrary opinion, either the district attorney or the attorney-general may direct an inquest to be held in accordance with the provisions of this act, notwithstanding the report, at which inquest he, or some person designated by him, shall be present and examine all the witnesses.

SECTION 16. The medical examiner may, if he deems it necessary, call a chemist to aid in the examination of the body or of substances supposed to have caused or contributed to the death, and such chemist shall be entitled to such compensation for his services as the medical examiner certifies to be just and reasonable, the same being audited and allowed in the manner herein provided. The clerk or amanuensis, if any, employed to reduce to writing the results of the medical examination or autopsy, shall be allowed for his services two dollars per day.

SECTION 17. When a medical examiner views or makes an examination of the dead body of a stranger, he shall cause the body to be decently buried ; and if he certifies that he has made careful inquiry, and that to the best of his knowledge and belief the person found dead is a stranger, having no settlement in any city or town of this Commonwealth, his fees, with the actual expense of burial, shall be paid from the treasury of the Commonwealth. In all other cases the expense of the burial shall be paid by the city or town, and all other expenses by the county, wherein the body is found.

SECTION 18. When services are rendered in bringing to land the dead body of a person found in any of the harbors, rivers or waters of the Commonwealth, the medical examiner may allow such compensation for said services as he deems reasonable, but this provision shall not entitle any person to compensation for services rendered in searching for such dead body.

charged with commission of offence.

Inquest may be ordered by district attorney or attorney-general.

Chemist may be called to aid examination of body, etc.

Examiner to cause body to be buried.

Services rendered for bringing to land dead body found in water, may be compensated.

Examiner to take charge of money, etc., found upon or near body.

SECTION 19. In all cases arising under the provisions of this act, the medical examiner shall take charge of any money or other personal property of the deceased, found upon or near the body, and deliver the same to the person or persons entitled to its custody or possession; but if not claimed by such person within sixty days, then to a public administrator, to be administered upon according to law.

Penalty for neglecting to give up property three days after demand.

SECTION 20. Any medical examiner who shall fraudulently neglect or refuse to deliver such property to such person within three days after due demand upon him therefor, shall be punished by imprisonment in the jail or house of correction not exceeding two years, or by fine not exceeding five hundred dollars.

Account of fees and expenses to be rendered to county commissioners.

SECTION 21. The medical examiner shall return an account of the expenses of each view or autopsy, including his fees, to the county commissioners having jurisdiction over the place where the examination or view is held, or in the county of Suffolk to the auditor of the city of Boston, and shall annex thereto the written authority under which the autopsy was made. Such commissioners or auditor shall audit such accounts and certify to the treasurer of the Commonwealth, or the treasurer of the county, as the case may be, what items therein are deemed just and reasonable, which shall be paid by said treasurer to the person entitled to receive the same.

When sheriff is a party to a suit, sheriff of adjoining county may serve process.

SECTION 22. Whenever any sheriff is a party to a suit or proceeding, or otherwise disqualified to act therein, the sheriff or a deputy sheriff of any adjoining county may serve and execute all writs and precepts and perform all duties of such sheriff which he is disqualified to perform, and may serve and execute all such writs and precepts wherein any county, town, parish, religious society or school district is a party or interested, notwithstanding he is at the time a member of such corporation.

When office of sheriff is vacant, duties to be performed by senior deputy.

SECTION 23. Whenever a vacancy occurs in the office of sheriff in any county, the senior deputy sheriff in service shall perform all the duties required by law to be performed by the sheriff, until the office of sheriff is filled in the manner required by law, giving bond as now required by law of sheriffs. And in case of such vacancy, the deputies of the sheriff vacating the office shall continue to have and exercise the power of deputy sheriffs until said office is filled as aforesaid.

SECTION 24. Sections seventy-five, seventy-six and seventy-seven of chapter seventeen, section one hundred of chapter sixty-three, and section eighteen of chapter one hundred and sixty-three of the General Statutes, are hereby amended by substituting for the word "coroner," wherever the same occurs, the words "medical examiner," and for the word "coroners," the words "medical examiners." The second clause of section fifty-two and sections seventy-four, seventy-eight, seventy-nine and eighty of chapter seventeen of the General Statutes, chapter one hundred and seventy-five of the General Statutes, chapter one hundred and thirteen of the acts of the year eighteen hundred and sixty-one, chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-two, chapter twenty-eight of the acts of the year eighteen hundred and sixty-four, chapter two hundred and forty-one of the acts of the year eighteen hundred and seventy-one, and chapter one hundred and fifteen of the acts of the year eighteen hundred and seventy-six, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 25. For the purposes of the appointment and qualification of medical examiners and the action of the county commissioners herein provided for, this act shall take effect upon its passage, and it shall take full effect on the first day of July next.

When to take effect.

Approved May 9, 1877.

AN ACT RELATING TO THE ENGROSSMENT OF BILLS AND RESOLVES.

Chap. 201

Be it enacted, &c., as follows:

Section twenty-two of chapter two of the General Statutes is hereby so far amended that after the present year bills shall be engrossed with a margin of not less than one inch wide on each side, and the size of each sheet shall be eighteen inches long by thirteen inches wide; resolves shall be engrossed on sheets fifteen inches long by ten inches wide.

Engrossment of bills and resolves.

Approved May 9, 1877.

AN ACT RELATIVE TO THE EMPLOYMENT OF PERSONS CONFINED AT DEER ISLAND AND RAINSFORD'S ISLAND IN BOSTON HARBOR.

Chap. 202

Be it enacted, &c., as follows:

SECTION 1. It shall be lawful for the city of Boston to erect, upon the "Winthrop Farm" so called, now owned by the city of Boston, and situated in the town of Winthrop, buildings for the use of such of the persons confined in the house of industry at Deer Island, and of the inmates

City of Boston may erect buildings on Winthrop Farm in Winthrop.

of the almshouse on Rainsford's Island, in Boston Harbor, as may be employed to advantage in work upon said farm.

Inmates of house of industry and almshouse may be employed on farm.

SECTION 2. It shall be lawful for the authorities having charge of the persons so confined, and of the said inmates of the almshouse, to cause them from time to time to be transported to said "Winthrop Farm," and to be placed in said buildings, and employed upon said farm, and to be transported back, and the persons so confined shall be deemed during their transportation to said "Winthrop Farm," their stay thereon and their transportation back, to be within the limits of the said house of industry, and shall not be deemed to have committed an escape. But if any person so confined shall during said transportation to said "Winthrop Farm," his stay thereon or his transportation back, escape from the control of such authorities, he shall be deemed to have committed an escape, and be liable to the penalties therefor.

Escape during transportation.

Farm not exempt from taxation.

SECTION 3. Nothing contained in this act shall be construed to exempt said farm from taxation by the town of Winthrop.

SECTION 4. This act shall take effect upon its passage.

Approved May 9, 1877.

Chap. 203 AN ACT TO FIX THE SALARY OF THE FIRST CLERK IN THE INSURANCE DEPARTMENT OF THE COMMONWEALTH.

Be it enacted, &c., as follows :

Salary established.

SECTION 1. The first clerk in the insurance department of the Commonwealth shall receive a salary of two thousand dollars per annum.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1877.

Chap. 204 AN ACT TO AMEND AN ACT CONCERNING ASSOCIATIONS FOR RELIGIOUS, CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

Be it enacted, &c., as follows :

Payment of fixed sum by each member, to be paid over when death occurs.

SECTION 1. Associations now or hereafter organized under chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-four, may, for the purpose of assisting the widows, orphans or other dependents of deceased members, provide in their by-laws for the payment by each member of a fixed sum, to be held by such association until the death of a member occurs, then to be forthwith paid to the person or persons

entitled thereto, and such fund so held shall not be liable to attachment by trustee or other process; and associations may be formed under said act for the purpose of rendering assistance to the persons and in the manner above specified; but no such association organized or formed as aforesaid shall hold at one time more than three thousand dollars for the purpose herein mentioned.

Not liable to attachment.

Associations may be formed for rendering such assistance.

SECTION 2. The provisions of the general laws relating to life insurance companies shall not be held to be applicable to such beneficiary corporations.

Laws relating to life insurance not to apply.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1877.

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES. *Chap. 205*

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Appropriations.

In the act, chapter twenty-seven, fixing the salary of the second clerk in the department of the secretary of the Commonwealth, the sum of two hundred dollars, to be in addition to the appropriation heretofore made for the present year.

Secretary—Second clerk.

In the resolve, chapter two, to furnish certain books and documents to the town of Merrimac, a sum not exceeding three hundred dollars.

Town of Merrimac.

In the resolve, chapter seven, in favor of Osborne E. Eaton, a sum not exceeding ninety-six dollars.

Osborne E. Eaton.

In the resolve, chapter eight, in favor of Mary Fisher, the sum of ninety-six dollars.

Mary Fisher.

In the resolve, chapter nine, in favor of the Farr Alpaca Company of Holyoke, the sum of six hundred and forty dollars.

Farr Alpaca Company.

In the resolve, chapter eighteen, in favor of Patrick O'Riordan, the sum of five hundred dollars.

Patrick O'Riordan.

In the resolve, chapter twenty-two, in favor of discharged female prisoners, a sum not exceeding fifteen hundred dollars.

Discharged female prisoners.

In the resolve, chapter twenty-four, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of ten thousand dollars.

Eye and Ear Infirmary.

School for
Idiotic and
Feeble-minded
Youth.

In the resolve, chapter twenty-three, in favor of the Massachusetts School for Idiotic and Feeble-minded Youth, the sum of eight thousand five hundred dollars, in accordance with the provisions of said resolve.

Edgar E.
Burritt.

In the resolve, chapter twenty-six, in favor of Edgar E. Burritt, the sum of three hundred and twenty-five dollars.

Benjamin
Huddell.

In the resolve, chapter twenty-seven, in favor of Benjamin Huddell, the sum of nineteen dollars and forty-three cents.

John Sullivan.

In the resolve, chapter twenty-eight, in favor of John Sullivan, the sum of one hundred dollars.

Catherine
A. Britt.

In the resolve, chapter twenty-nine, in favor of Catherine A. Britt, the sum of forty-eight dollars.

Industrial
school.

In the resolve, chapter thirty-four, in favor of the industrial school for girls, at Lancaster, the sum of fifteen hundred dollars.

Lewis Gaul.

In the resolve, chapter thirty-five, in favor of Lewis Gaul, the sum of one hundred and ten dollars.

Educational
expenses.

In the resolve, chapter thirty-six, providing for the payment from the treasury of certain educational expenses, a sum not exceeding eight thousand six hundred and three dollars and twenty-eight cents.

Census and
statistics of
industry.

In the resolve, chapter thirty-eight, providing for the printing, binding and distribution of additional copies of the decennial census and statistics of industry, a sum not exceeding six thousand dollars.

State primary
school.

In the resolve, chapter forty, in favor of the state primary school at Monson, a sum not exceeding five thousand dollars, in accordance with the provisions of said resolve.

William R. Fish.

In the resolve, chapter forty-three, in favor of William R. Fish, the sum of four hundred and eighty dollars and seventy-one cents.

Jane Parks.

In the resolve, chapter forty-four, in favor of Jane Parks, the sum of two hundred dollars.

James Burke.

In the resolve, chapter forty-five, in favor of James Burke, the sum of one hundred dollars.

Philip Mackey.

In the resolve, chapter forty-six, in favor of Philip Mackey, the sum of one hundred dollars.

State normal
schools.

In the resolve, chapter forty-seven, in favor of the state normal schools at Framingham, Salem and Westfield, a sum not exceeding three thousand six hundred and fourteen dollars and fifty-three cents, in accordance with the provisions of said resolve.

In the resolve, chapter forty-eight, in favor of the soldiers' employment bureau, the sum of three thousand dollars.

Soldiers' employment bureau.

For editing the registration report under direction of the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

Registration report.

For expenses incurred by the railroad commissioners in the examination of the New York and New England Railroad Company, under an order of the present legislature, the sum of two hundred and fifteen dollars and fifty cents.

Railroad commissioners.

For the compensation of the state detectives, a sum not exceeding eight thousand dollars; for travelling expenses actually paid by said detectives, a sum not exceeding two thousand dollars, and for incidental and contingent expenses, a sum not exceeding one thousand five hundred dollars; said sums to be in addition to the appropriations heretofore made for the present year.

State detectives.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars, to be in addition to the appropriation heretofore made for the present year.

Fugitives from justice.

For the rent of armories, a sum not exceeding eight thousand dollars, to be in addition to the appropriations heretofore made for the present year.

Rent of armories.

For the compensation of the employés at the state arsenal, a sum not exceeding three hundred dollars, to be in addition to the appropriation heretofore made for the present year.

Employés at arsenal.

For printing and binding the "militia law," the unexpended balance of the appropriation made the previous year, may be held applicable thereto.

Militia law.

For expenses of the agent for the sick of the state poor, a sum not exceeding one thousand dollars, to be in addition to the appropriation heretofore made for the present year.

Sick state poor.

For expenses incurred in connection with small-pox and other diseases dangerous to the public health, a sum not exceeding two thousand dollars, to be in addition to the appropriation heretofore made for the present year.

Dangerous diseases.

For the support and tuition of state beneficiaries in the Boston school for deaf mutes in previous years, a sum not exceeding two thousand three hundred and thirty-five dollars and forty-four cents, which may be allowed and paid.

Boston school for deaf mutes.

Massachusetts
Infant Asylum.

For the reimbursement of the Massachusetts infant asylum for the support during the previous year, of infants having no known settlement in this Commonwealth, a sum not exceeding three hundred and eighty-seven dollars and fifty-eight cents.

No. 33 Pember-
ton Square.

For expenses incurred during the previous year, in connection with house number thirty-three Pemberton Square, a sum not exceeding one hundred and sixty-five dollars and forty-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1877.

Chap. 206

AN ACT IN AMENDMENT OF AN ACT RELATING TO ELECTIONS.

Be it enacted, &c., as follows :

Challenging
the right to
vote, in a city.

SECTION 1. Whenever in any election in a city the right of any person offering to vote is challenged for any cause recognized by existing laws, it shall be the duty of the warden or presiding officer to require the name and residence of the person so offering to vote to be written upon the ballot so offered and challenged, either by himself or some person in his behalf, and the warden or presiding officer shall add thereto the name of the person challenging the same and the cause assigned therefor, before such ballot shall be received; and if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and the warden or other presiding officer, in the presence of the clerk and at least one inspector, shall mark and designate such ballot by writing thereon the name of the person by whom it was cast, before it is counted, and at the close of the election the same shall be returned to the envelope in which it was deposited: *provided*, that nothing contained in this act shall be so construed as to permit ward officers to receive any vote which by existing laws they are required to refuse.

Challenging
the right to
vote, in a town.

SECTION 2. When the right of a person offering a ballot at any election in towns, for officers other than town officers, is challenged for any cause recognized by existing laws, the selectmen, if they receive the same, shall require the name and residence of the voter to be written thereon, either by himself or by some one in his behalf, and they shall add thereto the name of the challenger and the cause assigned for challenging. And if such ballot shall be offered sealed, the writing as aforesaid may be

upon the envelope covering the same, and the selectmen shall mark and designate such ballot by writing thereon the name of the person by whom it was cast, before it is counted, and at the close of the election the same shall be returned to the envelope in which it is deposited.

SECTION 3. Whoever wilfully or negligently violates the provisions of this act shall be punished by a fine of not less than twenty or more than two hundred dollars, or by imprisonment in the county jail for a term not exceeding one year. Penalty.

SECTION 4. Sections forty-four and forty-nine of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four are hereby repealed: Repeal.
provided, that nothing contained in this act shall affect any prosecution pending or any penalty or forfeiture incurred before this act takes effect. Proviso.
Approved May 11, 1877.

AN ACT TO EXTEND THE TIMES FOR THE ASSESSMENT OF TAXES, Chap. 207
AND FOR REGISTERING VOTERS IN PARTICULAR WARDS OF CITIES.
Be it enacted, &c., as follows:

SECTION 1. Section six of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, is hereby amended by striking out the words "fifteenth day of September," and inserting in place thereof the words "first day of October," and by striking out the word "first" before the words "day of October," and inserting in place thereof the word "fifth." Assessment of taxes upon polls and estate.

SECTION 2. Section three of chapter two hundred and twenty-five of the acts of the year eighteen hundred and seventy-six is hereby amended by striking out the word "September" wherever it occurs and inserting in place thereof the word "October." Assessment in the wrong ward may be rectified.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1877.

AN ACT TO PROVIDE FOR THE KEEPING OF REGISTERS OF VOTERS Chap. 208
IN TOWNS.
Be it enacted, &c., as follows:

SECTION 1. The selectmen of each town shall make and keep a record of all persons entitled to vote therein at any election for town, county, state or national officers, which shall be known as a Register of Voters. Registers of voters to be kept in towns.

SECTION 2. Said register shall contain the names of such voters written in full, the street or place in the town where each resides at the time of registration, each voter's To contain names written in full, etc.

occupation, and such other specifications as may be necessary to fully identify the persons named, and the date of registration.

Name not to be added to voting list until recorded in register.

SECTION 3. No name shall be added to a voting list in any town until it has been recorded in said register, and none shall be added to a list of voters in use at any election after the opening of the polls, except to correct a clerical error or omission, and all names on voting lists shall be written or printed in full.

Books to be furnished to towns at cost price.

SECTION 4. The secretary of the Commonwealth shall furnish to each town, at cost price, on or before the first day of July in the current year, suitable blank books for said registration, and thereafter said registers shall be uniform in character, and such books shall contain seven blank columns with uniform headings in the following form :—

| When registered. | N A M E . | Residence. | Occupation. | When ceased to be a Voter. | Why ceased to be a Voter. | Remarks. |
|------------------|-----------|------------|-------------|----------------------------|---------------------------|----------|
| | | | | | | |

Approved May 11, 1877.

Chap. 209

AN ACT RELATING TO WARD OFFICERS IN CITIES.

Be it enacted, &c., as follows :

Inspectors of elections in cities.

SECTION 1. The mayor and aldermen of every city, except Boston, shall, prior to the first day of November in the present year, elect for each ward of such city, three inspectors of elections, who shall be qualified voters and inhabitants in such ward. One of said inspectors shall hold his office for one year, one for two years, and one for three years, from said first day of November ; and in each year after the present, the mayor and aldermen shall, before the first day of November, elect for each ward of the city, one inspector of elections, who shall be a qualified voter and inhabitant in such ward, and shall hold office for three years from the first day of November, then next succeeding. Any such inspector may be at any time removed from office by a vote of two-thirds of the board of aldermen of the city, and any vacancy occurring in the office of said inspectors shall be filled for the residue of the term

Removal from office.

of the inspector whose place is to be filled, by election, as above provided.

SECTION 2. Such inspectors of elections before entering upon the duties of their office, shall take and subscribe an oath faithfully and impartially to discharge such duties ; which oath may be administered by the city clerk of the city, or by any justice of the peace, and a record made thereof in the office of the city clerk. To be sworn.

SECTION 3. It shall be the duty of such inspectors to attend at the times and places designated for meetings in their respective wards, for the elections of any officers, whether of the United States, state, city or wards, or for the determination of any question submitted to the qualified voters by lawful authority, and to perform such duties as are required of inspectors of election in cities under existing laws. Duties.

SECTION 4. Such inspectors of elections shall receive such compensation for each day's actual service as the city council of their respective cities may from time to time determine, and shall be subject to all the penalties to which ward officers are subject under general laws. Compensation.

SECTION 5. No ballots shall be received at any election until at least two of said inspectors are present, nor until each of them who is present has ascertained, by personal examination, that the ballot-boxes are empty. While an election is going on, each ballot-box shall be in the immediate charge of two inspectors, one from the inspectors elected under the provisions of this act, and one from the inspectors elected by the voters of the ward, during the whole time the ballots are received in that box : *provided*, that whenever, in consequence of the absence of any of said inspectors at any election, the provisions of this section cannot be complied with within thirty minutes from the hour named in the warrant for the opening of the polls, then the election shall proceed, notwithstanding such provisions. Ballots not to be received unless two inspectors are present.

SECTION 6. This act shall not take effect in any city until it shall have been accepted by the mayor and aldermen and common council of such city by concurrent vote. Each ballot-box to be in charge of two inspectors.

SECTION 7. All acts and parts of acts inconsistent with this act are hereby repealed ; but this act shall not be construed to repeal any provisions of law which provide for the election of inspectors of elections by the voters of wards. Provido.

Approved May 11, 1877.

Chap. 210 AN ACT CONCERNING DISTRICT, POLICE AND MUNICIPAL COURTS.*Be it enacted, &c., as follows:*Clerks to be
appointed by
governor.

SECTION 1. All clerks of district, police and municipal courts who are now by law required to be appointed by the governor or elected by the people, shall hereafter be appointed by the governor, with the advice and consent of the council, and all clerks of district and police courts shall hold their offices for the term of five years: *provided, however,* that the present clerks of district and police courts shall hold their several offices for the term for which they have been commissioned, except those whose terms are not limited to a certain number of years, and such clerks shall hold their offices for the term of five years from and after the time when this act takes effect.

To hold office
for five years.

Proviso.

Salaries of
judges and
clerks to be
paid by the
counties.

SECTION 2. The salaries of all judges and clerks of district, police and municipal courts, and all the expenses of said courts, shall after the current year be paid by the several counties in which they are established, and no fees shall be received by said judges or clerks to their own use for any services rendered by them in any capacity in receiving complaints or issuing warrants, subpoenas, mittimus or other processes, or as trial justices of juvenile offenders; but all such fees shall be paid over once in three months by said judge or clerk to the county in which such court is established: *provided,* that nothing herein contained shall be construed as requiring the payment to the county of any moneys which are payable under existing laws to cities or towns.

Accounts of
clerks to be
audited by
judges.

SECTION 3. The accounts of every clerk of a district or police court shall at least once in every three months be examined and audited by the judge of said court, and an exact detailed statement of the receipts and expenditures of said clerk during said three months, with the certificate of said judge of the result of said examination, shall be immediately transmitted to the county treasurer.

Jurisdiction of
district and
police courts.

SECTION 4. The several district and police courts of the Commonwealth shall hereafter, within the territory over which they have jurisdiction, have original and concurrent jurisdiction with the superior court of all actions of contract, tort or replevin, where the debt or damages demanded or the value of the property alleged to be detained is more than twenty and does not exceed three hundred dollars; and shall have exclusive original juris-

diction of all actions of contract and tort wherein the debt or damages demanded do not exceed the sum of twenty dollars.

SECTION 5. The several district, police and municipal courts shall have and exercise within the districts under the jurisdiction thereof, all the power, authority and jurisdiction that trial justices of juvenile offenders now have ; but such offenders shall be tried separate and apart from the trial of other criminal cases, at suitable times to be designated therefor by said courts, to be called the session for juvenile offenders, of which session a separate record and docket shall be kept.

Courts to have powers of trial justices of juvenile offenders.

SECTION 6. District and police courts shall have the same authority to issue commissions to take depositions in cases pending therein that the superior court now has in cases pending in that court.

May issue commissions to take depositions.

SECTION 7. Sections one and two of this act shall apply to assistant clerks of district, police and municipal courts, and section two shall apply to the special justices of said courts when acting in the place of the judge thereof : *provided*, that the compensation to the special justices of any court, for services rendered in any one year, in excess of eight per centum of the annual salary of the standing justices of such court, shall be deducted by the county treasurer from the salary of such standing justice ; but this proviso shall not apply to the compensation of special justices for services in holding one of two or more sessions held at the same time according to law.

Appointment of assistant clerks.

Compensation of special justices.

SECTION 8. Nothing in this act contained shall be held to affect any case now pending, and all acts or parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

* Cases pending not to be affected.

SECTION 9. This act shall take effect upon the first day of July, in the year eighteen hundred and seventy-seven.

To take effect July 1, 1877.

Approved May 11, 1877.

AN ACT CONCERNING JUSTICES OF THE PEACE AND TRIAL JUSTICES.

Chap. 211

Be it enacted, &c., as follows :

SECTION 1. No justice of the peace, not designated and commissioned as a trial justice, shall hereafter have or exercise any power, authority or jurisdiction to try civil cases, or receive complaints, or issue warrants : *provided, however*, that any justice of the peace who shall also be a clerk or assistant clerk of any municipal, district or police

Justice of the peace not to try civil cases nor issue warrants, unless commissioned as trial justice.

court, may receive complaints and issue warrants, returnable before some trial justice, police, district or municipal court, having jurisdiction of the examination of the person charged with the offence.

Trial justice's authority to cease if he changes his domicile, etc.

SECTION 2. If any trial justice shall change his domicile to a place within the district and jurisdiction of any police, district or municipal court, his authority to try civil or criminal cases, receive complaints and issue warrants, shall thereupon cease.

To have exclusive original jurisdiction of actions of replevin for beasts distrained or impounded.

SECTION 3. Trial justices shall have exclusive original jurisdiction of all actions of replevin for beasts distrained or impounded in order to recover a penalty or forfeiture supposed to have been incurred by their going at large, or to obtain satisfaction for damages alleged to have been done by them; actions of forcible entry and detainer; and of all actions of contract, tort or replevin, where the debt or damages demanded or value of the property alleged to be detained does not exceed one hundred dollars; and they shall have original and concurrent jurisdiction with the superior court of actions of contract, tort or replevin, where the debt or damages demanded or value of property alleged to be detained is more than one hundred and does not exceed three hundred dollars. All provisions of existing laws relating to the jurisdiction and proceedings of justices of the peace in civil matters, and not inconsistent with the terms and meaning of this act, shall apply to and govern trial justices.

Original and concurrent jurisdiction with superior court.

Warrants to be made returnable before trial justice, etc.

SECTION 4. All warrants in criminal cases issued by any person authorized to issue warrants under the provisions of this act, shall be made returnable before some trial justice, police, district or municipal court having jurisdiction of the examination of the person charged with the offence.

May issue commissions to take depositions.

SECTION 5. Trial justices shall have the same authority to issue commissions to take depositions in cases pending before them that the superior court now has in cases pending in that court.

Trial justices to have and exercise powers of trial justices of juvenile offenders.

SECTION 6. Trial justices shall have and exercise within their respective counties all the powers, authority and jurisdiction that trial justices of juvenile offenders now have; and hereafter no trial justice of juvenile offenders, not being a trial justice or judge of a police, district or municipal court, or a judge of probate and insolvency, shall have or exercise any power, authority or jurisdiction

whatever. And section one of chapter three hundred and fifty-eight of the acts of the year eighteen hundred and seventy-two is hereby repealed.

SECTION 7. Every trial justice hereafter designated and commissioned, shall hold his office for the term of three years, unless during that period he shall cease to hold a commission as justice of the peace, or unless such designation and commission be sooner revoked. Term of office.

SECTION 8. So much of section one of chapter one hundred and nine of the acts of the year eighteen hundred and sixty-two, as requires of trial justices that, before the delivery of their commissions, they shall pay into the department of the secretary of the Commonwealth the sum of five dollars, is hereby repealed. Not to pay fee for commission.

SECTION 9. Nothing in this act contained shall affect any case or proceeding pending when it takes effect, but such cases or proceedings may be completed as if this act had not been passed; and nothing in this act contained shall be held to impair the jurisdiction of any police, district or municipal court. Pending cases not to be affected.

SECTION 10. All provisions of existing laws inconsistent with the provisions of this act are hereby repealed. Repeal.

SECTION 11. This act shall take effect upon the first day of July next. To take effect July 1, 1877.

Approved May 11, 1877.

AN ACT TO PROVIDE A CLERK FOR THE POLICE COURT OF GLOUCESTER.

Chap. 212

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall nominate and appoint a clerk of the police court of Gloucester, who shall hold his office for the term of five years unless sooner removed by the governor and council. Clerk to be appointed.

SECTION 2. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts; and all the provisions of law now applicable to clerks of police courts shall apply to said clerk. Duties.

SECTION 3. Said clerk shall receive an annual salary of eight hundred dollars, to be paid from the treasury of the Commonwealth during the current year, and thereafter by the county of Essex. Salary.

Approved May 11, 1877.

Chap. 213 AN ACT TO ESTABLISH BOARDS OF HARBOR AND LAND COMMISSIONERS.

Be it enacted, &c., as follows :

Board of harbor
commissioners
to be appointed.

SECTION 1. The governor, with the advice and consent of the council, shall before the first day of July next, appoint three persons who shall constitute a board of harbor commissioners, and who shall hold their offices from the dates of their respective appointments, and for the terms of one, two and three years respectively, from the first day of July next. The governor shall in like manner, before the first day of July in each year thereafter, appoint a commissioner to continue in office for the term of three years from said day. Said board of harbor commissioners shall have all the powers and shall perform all the duties now by law devolving on the board of harbor commissioners as at present constituted, which board is hereby abolished.

Board of land
commissioners
to be appointed.

SECTION 2. The governor, with the advice and consent of the council, shall before the first day of July next, appoint three persons who shall constitute a board of land commissioners, and who shall hold their offices from the dates of their respective appointments, and for the terms of one, two and three years respectively, from the first day of July next. The governor shall in like manner, before the first day of July in each year thereafter, appoint a commissioner to continue in office for the term of three years from said day. Said board of land commissioners shall have all the powers and shall perform all the duties now by law devolving on the board of commissioners on public lands, and upon the agents appointed under chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five in relation to the Commonwealth flats near South Boston. Said board of commissioners on public lands and said agents are hereby abolished.

Offices abol-
ished.

Compensation of
commissioners.

SECTION 3. The compensation of each of the commissioners appointed under this act shall be five dollars a day for each day of actual service, and in case of any vacancy occurring in either board by resignation or otherwise, the governor, with the advice and consent of the council, shall appoint a commissioner for the residue of the term, and he may in like manner remove any of said commissioners.

SECTION 4. This act shall take effect upon its passage, When to take effect. so far as the appointing, commissioning and qualifying of said harbor and land commissioners are concerned, and shall take full effect on the first day of July next.

Approved May 11, 1877.

AN ACT RELATING TO THE INSPECTION OF FACTORIES AND PUBLIC *Chap. 214*
BUILDINGS.

Be it enacted, &c., as follows:

SECTION 1. The belting, shafting, gearing and drums of all manufacturing establishments, when so located as to be, in the opinion of the inspectors hereinafter mentioned, dangerous to employes while engaged in their ordinary duties, shall be, as far as practicable, securely guarded. Belting, shafting, etc., to be securely guarded.

No machinery, other than steam-engines, in any such establishment, shall be cleaned while running, if objected to in writing by one of the inspectors hereinafter mentioned. All such establishments shall be well ventilated and kept clean. Machinery, except engines, not to be cleaned while running.

SECTION 2. In any manufacturing establishment in which there shall exist or be placed any hoistway, hatchway, elevator or well-hole, the openings thereof through and upon each floor of such establishment shall be provided with and protected by good and sufficient trap-doors, or self closing hatches and safety-catches, or such other safeguards as the inspectors hereinafter mentioned shall direct; and all due diligence shall be used to keep such trap-doors closed at all times, except when in actual use by the occupant or occupants of the building having the use and control of the same. Hatchways to be provided with safeguards.

SECTION 3. All manufacturing establishments, three or more stories in height, wherein forty or more persons are employed, unless supplied with a sufficient number of tower stairways, shall be provided with properly constructed fire-escapes upon the outside thereof; said fire-escapes to be connected with the interior of the building by either doors or windows, with suitable landings at every story above the first. Said fire-escapes shall be kept in good repair, and no incumbrances of any kind whatever shall be placed thereon: *provided*, that nothing in this section shall be so construed as to empower the inspectors to compel any person or persons or corporation to change any fire-escape already existing, unless such change is necessary for the protection of human life. The Stairways and fire-escapes.

word "story" in this act shall include the attic, if the same is occupied for work-rooms.

Main doors to
open outwardly.

SECTION 4. All the main doors, both inside and outside, in manufacturing establishments, shall open outwardly where the inspectors hereinafter mentioned shall deem it necessary, and shall in writing direct. Each story in such establishments shall be amply supplied with means for extinguishing fires.

Buildings
used for pub-
lic assemblies;

SECTION 5. All churches, school-rooms, hotels, halls, theatres and other buildings used for public assemblies, shall have such means of egress as the inspectors hereinafter mentioned shall approve, and all doors to the main entrances in such building shall swing outwardly when said inspectors in writing so direct. No portable seats shall be allowed in the aisles or passage-ways of any such building during any entertainment or service held therein.

Doorways, etc.

State detectives
to be detailed to
act as inspect-
ors.

SECTION 6. It shall be the duty of the chief of the state detective force, upon the passage of this act, specially to detail one or more of his deputies to act as inspectors of factories and public buildings. Said chief shall report in print, to the governor, on or before the first day of January of each year, with such remarks, suggestions and recommendations, as he may deem necessary.

Duties of
inspectors.

SECTION 7. The duties of said inspectors shall be to enforce the provisions of this act, except as hereinafter mentioned, and of all acts relating to the employment of women and minors in manufacturing establishments; and for this purpose said inspectors shall have power to enter all buildings used for public or manufacturing purposes, to examine the methods of protection from accident, the means of escape from fire, and to make investigations in regard to the employment of women and children.

Penalties.

SECTION 8. Any person or corporation violating any of the provisions of this act shall forfeit to the use of the Commonwealth for every such offence not less than fifty nor more than five hundred dollars, to be recovered by action instituted by said inspectors in any court of competent jurisdiction, and shall also be liable for all damages suffered by any employé by reason of such violation; but no action shall be brought for any such violation until after four weeks' notice thereof shall have been given in writing by an inspector, nor then, if in the meantime such violation shall have ceased, unless some person shall have been injured in consequence thereof. Nothing in this

Liability for
damages.

section shall be so construed as to prohibit any person injured from bringing an action to recover damages for said injuries.

SECTION 9. The city of Boston and any other city which may now or shall hereafter have statutory regulations similar in intent to the provisions of sections two, three and five of this act, and officers specially appointed for the enforcement of the same, shall be exempt from the provisions of said sections in so far as said regulations are similar thereto, and the inspectors hereinbefore mentioned shall have no authority to enforce said statutory regulations in such cities; but this section shall not be construed as exempting any person or corporation in any such cities from the provisions of said statutory regulations.

Certain cities exempt from provisions of §§ 2, 3, 5.

SECTION 10. Any detective or detectives detailed to perform said duties shall upon positive evidence that he or they have failed to perform their duty faithfully, be immediately discharged from said office.

Detectives failing to perform duties to be discharged from office.

SECTION 11. This act shall take effect on the first day of July next.

Approved May 11, 1877.

AN ACT TO REGULATE SALES UNDER POWERS OF SALE IN MORTGAGES. *Chap. 215*

Be it enacted, &c., as follows:

No sale under and by virtue of a power of sale contained in any mortgage of real estate shall be valid and effectual to foreclose said mortgage, unless previous to such sale notice of the same shall have been published once a week, the first publication to be not less than twenty-one days before the day of sale, for three successive weeks, in some newspaper, if there be any, published in the city or town wherein the mortgaged premises are situated; but nothing herein shall avoid the necessity of also giving notice of such sale in accordance with the terms of the mortgage.

Sales under powers of sale in mortgages.

Approved May 11, 1877.

AN ACT IN REGARD TO THE MANUFACTURE, STORAGE, USE, TRANSPORTATION AND SALE OF EXPLOSIVE COMPOUNDS. *Chap. 216*

Be it enacted, &c., as follows:

SECTION 1. No person, except on military duty in the public service of the United States or of this Commonwealth, shall keep, have or possess, in any building, place, vehicle, ship or other vessel, within one rod of a dwelling-house in any city or town, any explosive compound in quantity exceeding one-fifth of a pound in any

Explosive compounds.

way or manner prohibited by this act or by any ordinance or by-law which may be made in accordance with section two of this act.

Cities and towns may regulate storage, manufacture and sale.

SECTION 2. The city council of any city may make ordinances necessary for the protection of life and property, in regard to the keeping, storage, use, manufacture or sale of explosive compounds, and may regulate the transportation thereof through the streets or highways of such city, and affix penalties, not exceeding fifty dollars for each offence. Towns may make like by-laws for the same purpose, to be approved in the manner prescribed in section fourteen of chapter eighteen of the General Statutes, and affix penalties not exceeding twenty dollars for each offence: *provided*, such by-laws and ordinances shall not prohibit the transportation of explosive compounds from one place to another, nor be otherwise repugnant to the provisions of this act and the rules made thereunder by the railroad commissioners.

Proviso.

Licenses may be granted for sale and use.

SECTION 3. The mayor and aldermen of any city and the selectmen of any town may license, upon such terms as may be prescribed in the ordinances or by-laws mentioned in the preceding section, the keeping, storage, transportation, use, manufacture or sale of explosive compounds, within the limits of the city or town.

Not to be carried by corporations, etc., transporting passengers.

SECTION 4. No railroad corporation, street railway company, steamboat company, or other association, co-partnership, persons or person, engaged in the transportation of passengers within this Commonwealth, shall knowingly transport between persons or places within the territorial limits of this Commonwealth, or transport into such limits for sale, storage or use therein, any explosive compound in quantities exceeding the amounts hereinafter provided for, in any vehicle containing passengers, or in any vehicle attached to any railroad train or vehicle conveying passengers; nor in any case unless the said explosive compounds be plainly and legibly marked with the names of such compounds, and the words "*explosive,—dangerous.*" It shall be the duty of the board of railroad commissioners, from time to time, to make rules fixing the maximum amounts of various explosive compounds which may be so carried in any public vehicle, or in a railroad train containing passengers, or in a vehicle attached to such train; and until such rules are made by said board, no explosive compound shall be so carried. The said rules shall also

Railroad commissioners to prescribe rules.

define the method of packing such compounds to insure the greatest safety, and shall prescribe how the same shall be carried as freight on railroads, steamboats, and by common carriers. Said rules, subscribed by said railroad commissioners, shall be published for the period of four weeks in daily newspapers published in the cities of Boston, Worcester and Springfield; and a copy of said rules, certified by either of said board, and a like certificate of the fact of their due publication, shall, in all cases, be legal and conclusive proof of said rules, and of the proper publication thereof.

SECTION 5. No person shall deliver for transportation to any railroad corporation, street railway company, or other association, co-partnership, persons or person, engaged in the transportation of passengers within this Commonwealth, or take or place upon or in any car, boat or other vehicle of any such corporation, company, association, co-partnership or person, with intent that the same shall be carried or transported on such car, boat or other vehicle, any explosive compound mentioned in this act, unless the same is packed and marked as herein provided, and notice of the dangerous nature thereof is expressly given to the agent, servant or person to whom it is delivered, or to the agent, servant or person having at the time the management and control of the car, boat or other vehicle in or upon which the same is to be carried or transported. And any common carrier may decline to receive or transport any such explosive compound in any manner whatever.

Not to be delivered for transportation to railroads, etc., carrying passengers.

SECTION 6. Whoever knowingly violates, or knowingly causes or permits the violation of any provision of the two preceding sections, or knowingly transports, or causes or permits the transportation of any explosive compound, in any manner other than in conformity with the rules made by the board of railroad commissioners, shall be punished by a fine of not less than fifty nor more than five thousand dollars, or by imprisonment in the state prison not exceeding five years.

Common carriers may decline to receive.

Penalties.

SECTION 7. Upon complaint made under oath to a trial justice, or police, district or municipal court, that the complainant has probable cause to believe, and does believe, that an explosive compound is had, kept or to be found in any city or town within the jurisdiction of such justice or court, contrary to law, a warrant may issue directed to the sheriff of the county or his deputy, or to

Search warrant may issue, and seizure may be made.

any constable of such city or town, commanding him to enter any building, vehicle, ship or other vessel specified in the warrant, and there make diligent search for and seize such explosive compound, and to make return of his doings to such justice or court forthwith.

May be forfeited and destroyed.

SECTION 8. Any explosive compound had, kept or transported contrary to the provisions of this act, and seized under the preceding section, may be adjudged forfeit, after due notice and hearing, and may be ordered to be destroyed in such manner as the court or magistrate may direct.

Buildings may be entered to ascertain if laws are observed.

SECTION 9. Any person duly authorized by the ordinances of any city, or the by-laws of any town, may enter the building or premises of any person or persons licensed to sell explosive compounds, to examine and ascertain if the laws, rules and regulations relating thereto are strictly observed; and on an alarm of fire may cause the explosive compounds there deposited to be removed or destroyed, as the case may require.

Damages for injuries.

SECTION 10. Any person who shall suffer injury by the explosion of any explosive compound while the same is being kept or transported contrary to the provisions of this act or the ordinances, rules or by-laws made in conformity to it, may recover damages for the injury thus sustained, in an action of tort against the parties so violating the provisions of this act or the ordinances, rules or by-laws made in conformity herewith.

Fire commissioners may exercise powers in Boston.

SECTION 11. The powers, or any of them, conferred on the city council of any city by section two of this act, may be exercised in the city of Boston, if the city council of said city shall so determine, by the board of fire commissioners, or any other board to which said city may from time to time, by ordinance, delegate the same.

"Explosive compound" defined.

SECTION 12. By the words "explosive compound," as used in this act, shall be understood either gun-cotton, nitro-glycerine, or any compound of the same; any fulminate, or generally any substance intended to be used by exploding or igniting the same, to produce a force to propel missiles or to rend apart substances, except gunpowder.

Repeal.

SECTION 13. Chapter six of the acts of the year eighteen hundred and seventy-one, and all acts and parts of acts inconsistent herewith, are hereby repealed; but such repeal shall not affect any prosecutions or suits now begun, nor

prevent the institution of any suit, prosecution or proceedings to enforce penalties and liabilities already incurred under existing laws.

Approved May 11, 1877.

AN ACT TO ENABLE THE CITY OF BOSTON TO ABATE A NUISANCE EXISTING THEREIN, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY, AND FOR OTHER PURPOSES.

Chap. 217

Be it enacted, &c., as follows :

SECTION 1. The city of Boston may purchase or otherwise take, for the purpose of abating the nuisance now existing in and about the Roxbury Canal, so called, the lands and easements, with the buildings and other fixtures thereon, situate and lying within the district hereinafter bounded and described, to wit :—commencing at the junction of Harrison Avenue and the northerly line of East Chester Park, and thence running by said northerly line of East Chester Park produced in an easterly direction across the said Roxbury Canal to Swett Street, thence by the northerly line of Swett Street to Northampton Street, thence by the northerly line of Northampton Street to Harrison Avenue, and thence by the easterly line of Harrison Avenue to the point of beginning. Said city shall within sixty days from the time it shall take said lands or easements, file in the office of the registry of deeds for the county of Suffolk, a description of the lands or easements so taken as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act ; which said description and statement shall be signed by the mayor of said city, and the title to all lands and easements so taken shall vest in the city of Boston, and if any party whose land or easement is taken, shall agree with the said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith. And it shall be the duty of the city of Boston forthwith to raise the grade of said territory so purchased or taken, by filling up the same, including that portion of the Roxbury Canal lying within the described district, with good clean earth or gravel, and with reference to a complete drainage thereof, so as to abate the present nuisance, and to preserve the health of the city.

City of Boston may take land to abate a nuisance.

To file in registry of deeds a description of the land taken.

SECTION 2. Any person entitled to any estate or easement in any part of the lands so taken, may at any time within one year from the time when the same shall be

Complainant for damages may file bill in equity in S. J. C.

Notice of pendency of bill to be given to defendants.

taken, as well in his own behalf as in behalf of all other persons having estates in the lands or easements so taken, file a bill in equity in the supreme judicial court in the county of Suffolk, setting forth the taking of the complainant's land or easement by the city of Boston, and whether the complainant claims any and what damages against the city of Boston for said taking, and against said city or any other corporation or persons by reason of any and what wrongful act or omission by their causing a diminution in the value of his land or easement at the time of said taking, and praying an assessment of damages against the city of Boston for said taking, and against such parties for said diminution. And upon the filing of such a bill said court shall cause notice of the pendency of said bill to be given to the parties named therein as defendants according to the course of courts of equity; and also public notice thereof to all persons in whose behalf such bill shall be filed, to appear and become parties thereto if they shall see fit to do so. Said court shall prescribe how such public notice shall be given, and what length of time shall be allowed for appearing and becoming a party to such suit. Any party failing so to appear and to become a party within the time prescribed by the court, shall be forever barred from recovering any damages on account of such taking. Each person so appearing and becoming a party shall file a written description of the land in which he claims an estate, together with a plan thereof so as clearly to distinguish the same from all other lands, and shall also declare what estate he claims therein. If he claims that the value of said land or easement at the time of taking the same was lessened by any unlawful act or omission of the city of Boston or any other corporation or person, so that the value of the land or easement in its condition when taken would not be a just compensation for all the estate and rights of the party in, and in reference to the same, such party shall also state what such injury is, and how and by whom the same had been or is caused, and what right or title of the party is violated.

Commissioners may be appointed, to be paid by the city.

SECTION 3. Upon the expiration of the time allowed for appearance to the said bill, the said court shall appoint three commissioners, who shall receive such compensation as the said court shall fix, to be paid by the city of Boston.

To hear the parties and assess damages.

SECTION 4. It shall be the duty of the said commissioners after due notice to hear each of the said parties

including the said city of Boston, and other parties named as defendants, and to assess and award the value at the time of the taking of each parcel of the said land and of any easement claimed by any party so appearing which shall be taken by said city; and the amount in gross, if any, of damages done to such parcel of land or such easement by reason of any unlawful act or omission of the city of Boston or any other party defendant, affecting its value at the time of said taking. And the said commissioners shall make or cause to be made a survey of the lands of the complainant and other parties to such bill, and of all other lands adjacent and owned by other parties whose rights may be affected in determining the lines of such complainants' lands; and said commissioners shall determine the boundary lines of all such lands within said district, and report to the court the boundaries established for each owner of such lands, with a plan of the several portions of land within said district, showing the lines established for each owner, which plan after its approval shall by order of the court, be recorded in the registry of deeds for the county of Suffolk.

Assessment of damages.

SECTION 5. Said commissioners or the major part of them shall within three months after said hearing make report to the said court of their doings, and, when requested by any party, of the evidence touching any exception intended to be taken by him.

To report to the court within three months after hearing.

SECTION 6. Any party aggrieved by any findings or doings of said commissioners may apply for a jury to revise the same, by petition to the supreme judicial court at the same term thereof at which said commissioners shall make their report, and thereupon said court shall order a trial by jury to be had at the bar of the court in the same manner in which trials are held in the superior court to assess the damages for land taken for the laying out of highways in the county of Suffolk. And any party aggrieved by any ruling of law made by said commissioners or by said court may except to said ruling and have the exceptions heard and determined by the said court sitting in banc according to its course as a court of equity.

Party aggrieved may apply for a jury.

The respective rights and remedies of persons having different or separate interests or estates in the same property, as to the disposition of the damages awarded or agreed to under this act, and the manner of assessing damages for the taking of such property, shall be in all

Damages to be assessed as in taking land for highways.

respects the same as they now are in the case of property taken for laying out highways.

When amount of damage to a party is ascertained, execution to issue.

SECTION 7. When it shall be finally determined what amount of damages any party is entitled to recover against the city of Boston, or any other party defendant, a separate decree shall be entered accordingly, and execution therefor shall be issued without regard to the pendency of the claims of any other party or parties.

Costs when a jury trial is had.

SECTION 8. If any party shall apply for and obtain a trial by jury, he shall recover his legal costs if the award of the commissioners shall be altered in his favor; otherwise he shall be liable for the legal costs of the other party or parties.

Liability of city for damages caused by raising, etc., territory.

SECTION 9. Nothing in this act shall be construed as exempting the city of Boston from any obligation it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this act, for any injury it may do to such lands in any acts of raising, filling or draining said territory or any part thereof.

Court may make all necessary orders and decrees.

SECTION 10. Said court may make all orders and decrees necessary to carry into effect the intent of this act, and may at its discretion, at any stage of the proceedings, order a party to give security for the payment of damages or costs.

Costs to be paid as court shall order.

SECTION 11. All legal costs which shall accrue in the proceedings under this act, not otherwise provided for, shall be paid as the said court shall order.

City may lay railway tracks through streets.

SECTION 12. The city of Boston is hereby authorized to lay railway tracks through any street or streets of said city and across tide water, and to maintain them, so long as it may be necessary, to enable them to transport earth and other materials to fill up the district aforesaid under the provisions of this act.

Lands to be taken within two years.

SECTION 13. All lands or easements taken under this act otherwise than by purchase shall be taken within two years, and all filling and grading done under this act shall be done within three years, from the passage thereof.

Sewers and drains.

SECTION 14. On and after the completion of the work to be performed under this act, the sewers or drains now discharging into said canal within the limits of that portion thereof authorized to be filled, shall be discharged elsewhere and shall not thereafter be discharged into any part of said canal.

SECTION 15. This act shall take effect upon its passage.

Approved May 11, 1877.

AN ACT TO INCORPORATE THE TRUSTEES OF THE SOLDIERS' HOME *Chap. 218*
IN MASSACHUSETTS.

Be it enacted, &c., as follows:

SECTION 1. Horace Binney Sargent, Alexander H. Corporators.
Rice, William Gaston, Charles Devens, George S. Evans,
George H. Patch, James F. Meech, Edward T. Raymond,
Samuel Dalton, Andrew J. Bailey, Henry Wilson, Jr.,
William S. Brown, Joseph F. Lovering, Cyrus C. Emery,
J. G. B. Adams, John McKay, Jr., E. G. W. Cartwright,
Charles W. Wilcox, their associates and successors, chosen
as hereinafter provided, are hereby made a corporation
by the name of "The Trustees of the Soldiers' Home in Name.
Massachusetts," and said trustees shall from time to time,
as they may by their by-laws prescribe, elect such officers
as they may judge necessary, and prescribe the terms and
duties of such officers, and they shall fill by election all
vacancies in said trustees as they may occur; but the
whole number of said trustees shall never exceed eighteen,
fifteen of whom shall be members of the voluntary asso-
ciation known as the Department of Massachusetts, Grand
Army of the Republic; and whenever any vacancy shall
occur among said fifteen, the remaining trustees shall
select from the persons composing for the time being the
council of administration of said Department of Massa-
chusetts, Grand Army of the Republic, a trustee to fill
said vacancy.

SECTION 2. Said trustees may receive, hold, manage Trustees to
hold and man-
age property.
and convey such real and personal estate, not exceeding
in all two hundred thousand dollars, as they may acquire
by gift, grant, purchase or otherwise, for the purpose of
maintaining in this Commonwealth a home for deserving
soldiers and sailors and such members of their families as
said trustees may deem proper, and under such conditions
and regulations as said trustees may from time to time
prescribe. Said trustees shall be subject to the duties and Powers and
duties.
liabilities and shall have the powers and privileges set
forth in all general laws which now are or hereafter may
be in force applicable to such corporations so far as they
are not inconsistent with this act.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1877.

Chap. 219 AN ACT TO ENFORCE THE PROVISIONS OF CHAPTER THREE HUNDRED AND THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE, IN RELATION TO GREEN HARBOR MARSH IN MARSHFIELD.

Be it enacted, &c., as follows:

S. J. C. sitting as a court of equity to hear and determine rights of parties.

The supreme judicial court sitting as a court of equity, shall have full jurisdiction to hear and determine the rights of all parties under chapter three hundred and three of the acts of the year eighteen hundred and seventy-one, entitled "An Act for the improvement of Green Harbor Marsh in the town of Marshfield and for other purposes," and to enforce the provisions of said act.

Attorney-general to bring bill in equity to compel removal of obstructions.

And the attorney-general, upon the petition or request of the board of harbor commissioners, is hereby authorized and directed to bring in the name and behalf of the Commonwealth a bill in equity, or other proper process, to compel any and all parties liable under said act so to do, to remove the shoaling or other obstructions in the channel in Green Harbor River.

Approved May 11, 1877.

Chap. 220 AN ACT TO DISSOLVE THE WEYMOUTH FIRE DISTRICT, AND TO AUTHORIZE THE SALE OF ITS PROPERTY.

Be it enacted, &c., as follows:

May sell property and raise money by taxation, to pay indebtedness.

SECTION 1. The Weymouth Fire District established under chapter one hundred and eighteen of the acts of the year eighteen hundred and forty-six, may sell or otherwise dispose of any and all its real and personal property, as the majority of the voters of said district present and voting at a meeting duly called for that purpose may direct, and after applying the proceeds of said property to the payment of its indebtedness, may then, in case any debts remain unpaid, raise by taxation sufficient money to pay the same, and may also choose all officers and do all acts necessary to carry the foregoing provisions into effect.

District dissolved.

SECTION 2. Except for the purposes expressly provided for in the preceding section said district is hereby dissolved.

Subject to acceptance by voters of district.

SECTION 3. This act shall take effect upon its acceptance by a majority of the voters of said district, present and voting at a meeting duly called for that purpose, on or before the first day of September in the current year.

Approved May 11, 1877.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE VINEYARD GROVE COMPANY. *Chap. 221**Be it enacted, &c., as follows:*

SECTION 1. The Vineyard Grove Company is hereby authorized to reduce its capital stock to an amount not less than one thousand dollars, and increase the same to an amount not exceeding one hundred thousand dollars, and to make and collect assessments on the same, and issue general and special stock; subject to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, and of all acts in addition thereto or in amendment thereof, so far as the same may be applicable.

May reduce
and increase
capital stock.

SECTION 2. This act shall take effect upon its passage.

*Approved May 11, 1877.*AN ACT TO INCORPORATE THE OLD SOUTH ASSOCIATION IN BOSTON, AND TO PROVIDE FOR THE PRESERVATION OF THE OLD SOUTH MEETING-HOUSE. *Chap. 222**Be it enacted, &c., as follows:*

SECTION 1. The governor of the Commonwealth, the mayor of the city of Boston, the president of Harvard College, the president of the Massachusetts Historical Society, the president of the American Antiquarian Society, and the president of the New England Historic-Genealogical Society, *ex officiis*, and William Gaston, John Lowell, Samuel E. Sewall, Edmund Quincy, Samuel A. Green, Henry Lee, Martin Brimmer and John D. Long, and their associates and successors, are hereby made a body corporate by the name of the Old South Association in Boston, for the purpose of acquiring and holding the Old South Meeting-House in Boston and the land under and adjacent to the same upon the corner of Milk Street and Washington Street in said city, for public, historical, memorial, educational, charitable and religious uses and none other, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes and acts in addition thereto. Said corporation shall have the power to take and appropriate to the uses of said corporation, said meeting-house and land or any interest therein: *provided*, that in case it shall exercise said power, it shall within sixty days from the time of said taking and appropriation, file in the registry of deeds for the county of Suffolk a description of the premises so taken as certain

Corporators.

Name and
purpose.Powers and
duties.To file in reg-
istry of deeds a
description of
the land taken.

as is required in a common deed of conveyance of land; and any party aggrieved thereby shall have the right to apply for a jury to assess the damages sustained by him, in the manner and with the effect provided in the seventy-ninth section of chapter forty-three of the General Statutes, and upon the payment of all damages so assessed to the parties entitled thereto, or upon the failure to apply for a jury during the time limited by law, the title to said meeting-house and land shall vest in said corporation. And said corporation shall also have power, until the foregoing powers are exercised, to take a lease of said meeting-house and land, or the interest so taken, and hold the same thereunder for the purposes aforesaid.

Board of
managers.

SECTION 2. The officers of said corporation shall consist of a board of managers, the number of which shall be fixed by the by-laws, and of which the six first named in this act shall be members *ex officiis*, and two shall be elected annually by the city council of the city of Boston, and the rest shall be elected by the members of the corporation; and said managers shall elect one of their number president, and shall also elect a secretary and a treasurer. All officers shall hold over until others are chosen in their stead. New members may be admitted in such manner as the by-laws shall provide.

Admission
of members.

Building may
be used for
certain public
purposes.

SECTION 3. Said corporation may make contracts with the Commonwealth for the use of said meeting-house for the annual election sermon, and with the Commonwealth or the city of Boston for its use for any public purposes not inconsistent with the provisions of this act.

To be exempt
from taxation.

SECTION 4. Said meeting-house and land shall be exempt from taxation while said meeting-house shall be used for any of the purposes aforesaid, and shall be exempt from any tax for the year eighteen hundred and seventy-seven.

SECTION 5. This act shall take effect upon its passage.

Approved May 11, 1877.

Chap. 223

AN ACT FOR THE PROTECTION OF PUBLIC COMMONS AND PARKS.

Be it enacted, &c., as follows:

Buildings
exceeding six
hundred square
feet in area not
to be erected.

SECTION 1. No building exceeding six hundred square feet in superficial area upon the ground, shall be erected in or upon any public common or public park which has been dedicated to the use of the public, without leave of the legislature previously obtained.

SECTION 2. Any violation of this act may be restrained by the supreme judicial court or any justice thereof in the manner provided in section seventy-nine of chapter eighteen of the General Statutes.

S. J. C. may
restrain, etc.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1877.

AN ACT CONCERNING COÖPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Chap. 224

Be it enacted, &c., as follows:

SECTION 1. Any number of persons not less than twenty-five as is hereinafter provided, who shall have associated themselves together by an agreement in writing such as is hereinafter described, with the intention to constitute a corporation for the purpose of accumulating the savings of its members, paid into such corporation in fixed periodical instalments, and the lending of such funds so accumulated to its members, shall become a corporation upon complying with the provisions of this act, and shall remain a corporation, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions conferred by general laws upon corporations except as herein otherwise provided.

Corporations for
accumulation of
savings of mem-
bers and lending
funds to mem-
bers.

SECTION 2. Such agreement shall set forth the fact that the subscribers thereto associate themselves with the intention to constitute a corporation, the name by which the corporation shall be known, the purpose for which the corporation is constituted, the town or city, which town or city shall be within this Commonwealth, in which it is established or located, and the limit of capital to be accumulated.

Agreement to
set forth name
and purpose of
corporation, etc.

SECTION 3. Any name may be assumed for such corporation not previously in use by an existing corporation established under the laws of this Commonwealth, and the name assumed in the agreement shall not be changed but by an act of the legislature. The words "coöperative saving fund and loan association" shall form a part of the name.

Any name may
be taken not in
use by an exist-
ing corporation.

SECTION 4. The provisions of the ninth, tenth and eleventh sections of the two hundred and twenty-fourth chapter of the acts of the year eighteen hundred and seventy shall apply to corporations established under the provisions of this act, except that in the form of certificate signed by the secretary of the Commonwealth, the

Certificate of
incorporation
to be issued by
secretary of the
Commonwealth.

limit of capital to be accumulated, as fixed in the agreement of association, shall be inserted, instead of the amount of capital, that the certificate required by said eleventh section to be filed and recorded may be signed and sworn to by the presiding and financial officers and a majority at least of the officers possessing the powers of directors, by whatever name they may be called, and that the fees to be paid for filing and recording the certificates required by said eleventh section, including the issuing of the certificate of organization by the secretary of the Commonwealth, shall be five dollars.

Object of corporations.

SECTION 5. The object of such corporations shall be the accumulation of a capital in money, to be derived from savings and accumulations by the members thereof, to be paid into said corporation in periodical instalments, and in fixed and certain sums, at such times and in such amounts as shall be hereinafter designated. The capital so as aforesaid to be accumulated by any corporation created by virtue hereof shall not exceed in the aggregate and full ultimate value thereof, one million dollars, and shall be divided into shares of the ultimate value of two hundred dollars each; and said shares may be issued in quarterly, half yearly or yearly series, in such amounts and at such times as the shareholders may determine; and payments of dues or instalments on each series or issue of shares shall commence and date from the issue thereof. No person shall hold more than twenty-five shares in the capital of any one of said corporations. No shares of a prior series shall be issued after the issue of a new series. New shares may be issued in lieu of shares withdrawn, cancelled or forfeited. Said capital, so as aforesaid saved and accumulated, from time to time shall be loaned or advanced to members of the particular corporation holding one or more shares in the capital thereof, who shall from time to time desire to anticipate the ultimate value of their shares, and shall give security for the prompt and continued payment of all periodic instalments of dues, interest, premium and fines, until each of their said shares, so advanced upon, shall be found to be of the ultimate value of two hundred dollars, as hereinafter provided.

Capital.

Shares.

Officers and their compensation to be fixed by by-laws.

SECTION 6. The number, title, functions and compensation of the officers of any corporation created by virtue of this act, their terms of office, the time of their election, as well as the qualifications of electors, and the time of each

periodical meeting of the officers and shareholders of said corporation, shall be determined by the by-laws: *provided*, that no member shall be entitled to more than one vote at any election.

SECTION 7. The said officers shall hold stated monthly meetings, at which each shareholder shall pay into the said corporation the periodical instalments, to be called "dues," on account of each share subscribed for by him, together with such interest and premiums on advances made from time to time, and such fines as shall be imposed on arrears, as is hereinafter provided. The moneys so as aforesaid saved and accumulated at each stated monthly meeting from dues, interest, premiums and fines as aforesaid, or from any other source whatsoever, after due allowance made for all necessary and proper expenses, and subject to the provisions hereinafter in section ten contained and set forth respecting the withdrawal and cancellation of shares, shall be offered to such shareholder or shareholders as shall bid the highest premium for preference or priority of right to a loan or advance on the ultimate value of one or more of his or their respective shares; and such shareholder so bidding the highest premium as aforesaid shall be entitled to receive a loan or advance of two hundred dollars for each share held by him: *provided*, that a shareholder may borrow such fractional part of two hundred dollars as the by-laws shall provide.

"Dues" to be paid monthly.

SECTION 8. For every loan and advance made as aforesaid, a note secured by mortgage of real estate shall be given, accompanied by a transfer and pledge of the shares of the member or members so as aforesaid obtaining a loan or advance. Said shares so transferred and pledged shall be held by said corporation as additional or collateral security for the performance of the terms, covenants and conditions of said note and mortgage; and all payments of dues by a member so as aforesaid borrowing or obtaining advances, and all profits and gains from time to time accruing and adjusted as hereinafter provided to said shares so transferred and pledged, shall be deemed and taken to be payments on account of such loan or advance, until said loan or advance shall be cancelled by the ultimate value of such share or shares so pledged or shall be otherwise sooner cancelled and discharged. Said note and mortgage shall recite and set forth the number of shares pledged and transferred by the particular share-

Loans and advances to be secured by mortgage of real estate, and a pledge or transfer of shares.

Note and mortgage to set forth number of shares pledged.

holder so borrowing, and the amount of money advanced thereupon, and shall be expressed to be conditioned for the payment at the stated meetings of the corporation of the monthly dues on the number of shares so pledged and advanced upon, and the interest and premium upon the loan or advance for which said shares are pledged and said note and mortgage given, together with all fines chargeable upon arrears of such payment until said shares shall reach the ultimate value of two hundred dollars each, or said loan shall be otherwise sooner cancelled and discharged: *provided, however*, that the shares of the particular corporation, without other security, may in the discretion of the board of directors be so pledged and transferred as security for loans or advances to an amount not exceeding the assessed and adjusted value of such shares at the annual or other settlement and adjustment of the accounts of said corporation next preceding the time of such loan or advance. In case a shareholder shall neglect to offer security for a loan, or offering security it shall not be approved of by the board of directors by such time as the by-laws may prescribe, his right to such loan shall be forfeited for the time being, and he shall be charged with one month's interest and one month's premium, at the rate bid for the same by him, together with all expenses incurred, if any, and the money so forfeited shall be subject to re-loan at the next or any subsequent stated meeting. In case of non-payment by borrowing shareholders of monthly dues and interest and premiums on loans or advances and all fines or arrears for the space of six months, such defaulting borrower, in addition to the original amount loaned, shall be charged with all monthly dues, interest, premium and fines in arrears, and shall have and be given credit for the withdrawing value of his shares, pledged and transferred as aforesaid, in accordance with the rule hereinafter in section ten provided for the withdrawal and cancellation of shares, together with the dues paid thereon from the next preceding adjustment and valuation of shares to the date of such settlement; and the balance found to be remaining due over and above such credit, together with an attorney's collection fee of five per cent. on said balance, shall be enforced and recovered on his security as debts of a like amount are now enforced and recoverable according to law.

Proviso.

If shareholder offers insufficient security, right to loan is forfeited.

Additional charges to borrowing shareholders for non-payment of dues.

SECTION 9. Each shareholder shall pay to said corporation, at each stated meeting of the same, as a contribution to the capital thereof, the sum of one dollar as dues for each and every share subscribed for by him, until each share shall, under the provisions of this act, reach the ultimate value of two hundred dollars, or shall be sooner forfeited, cancelled or withdrawn, as hereinafter provided. When each unpledged share of a given series shall be found to be of the value of two hundred dollars, as aforesaid, all payments of dues thereon shall cease, and the holder thereof shall be entitled to receive, and shall be paid out of the funds of the said corporation, the sum of two hundred dollars for each share maturing and so held by him, and from the date of such maturity to the date of such payment shall also be entitled to receive and shall be paid interest at the rate of six per cent. per annum on the sum so due and payable: *provided, however*, that at no time shall more than one-half the funds in the treasury be applicable to the payment of such matured shares without the consent of the board of directors; and *provided, further*, that the board of directors of said corporation shall have the power, at their discretion, to retire the unpledged shares of any series and to enforce the withdrawal of the same at any time after the fourth year from the date of issue thereof in such form and manner and subject to such terms and conditions as shall be prescribed by the by-laws. The holder or holders of all unpledged shares so as aforesaid retired and withdrawn shall be entitled to receive and shall be paid the withdrawing value of his or their share or shares in accordance with the rule hereinafter in section ten provided for the withdrawal and cancellation of shares out of the funds provided for the payment of withdrawals. A borrowing shareholder, for each share borrowed or advanced upon, shall, in addition to the dues aforesaid, pay the sum of one dollar per month as interest, together with the monthly premium originally bid for said loan, as hereinafter in section twelve provided for, until said shares shall reach the ultimate value of two hundred dollars as aforesaid, when said shares and said loan shall be declared cancelled and satisfied, unless otherwise sooner paid off and discharged. The right to re-issue shares in the place and stead of shares cancelled in accordance with the provisions of this section shall revert to said corporation.

Shareholders to pay "dues" at the monthly meetings.

When shares are worth \$200 payments to cease.

Proviso.

Withdrawal and retirement of unpledged shares.

Right to re-issue cancelled shares.

Shareholder
may withdraw
upon giving
thirty days
notice.

SECTION 10. A shareholder may withdraw at any time by giving thirty days notice of his desire to do so on a book to be provided by said corporation for the purpose, when he shall be entitled to receive the amount of dues paid in by him on each of his shares, together with such proportion of the profits per share as assessed and adjusted at the settlement, adjustment and division of assets, profits and losses next preceeding such notice, as the by-laws may determine, less all fines and the proportionate part of all losses and other charges accrued subsequent to said next preceeding assessment and adjustment: *provided, however*, that at no time shall more than one-half of the funds in the treasury be applicable to the demands of withdrawing shareholders without the consent of the board of directors; and *further*, that no shareholders shall be entitled to withdraw whose shares are held in pledge as security for a loan or advance on the same, except as is next hereinafter provided.

Proviso.

Shareholder
may repay loan
at any time.

To be charged
with interest,
etc., and credited
with withdrawal
value of shares.

SECTION 11. A shareholder may repay a loan at any time upon application to said corporation, whereupon on settlement of his account, he shall be charged with the full amount of the loan as originally made to him, together with all monthly instalments of dues, interest, premium and fines then remaining due and unpaid, and shall receive and be given credit for the withdrawing value of his shares, pledged and transferred as security for said loan, in accordance with the rule hereinbefore (in section ten) provided for the withdrawal and cancellation of shares, together with the dues paid thereon from the next preceeding adjustment and valuation of shares to the date of such settlement, and the balance found to be remaining due over and above such credit shall be received by said corporation in full satisfaction and discharge of said loan or advance: *provided*, that all settlements made at periods intervening between stated meetings of the directors, shall be made as of the date of the stated meeting next succeeding such settlement; and *provided*, that a shareholder desiring to retain his shares, and membership thereunder, may at his option repay his loan without claiming credit for said shares, whereupon said shares shall be re-transferred to him, and he shall assume and be entitled to all the privileges of non-borrowing members, free, clear and discharged of and from any claim thereon by reason of said cancelled loan or advance.

Provisos.

SECTION 12. Premiums for loans or advances as aforesaid, shall consist of a percentage on the amount to be loaned, advanced or borrowed, and shall be a charge in addition to interest as aforesaid on the amount loaned, and said premium shall be deemed and taken to be a consideration or bonus, paid by the borrower for the present and immediate use and possession of the future or ultimate value of the shares so pledged, and shall, together with interest and fines paid, be received by said corporation as a profit on the amount of capital invested in said loan, and shall be divided and distributed to the various shares, severalties and series of said capital in the way and manner hereinafter provided.

Premiums for
loans or ad-
vances.

SECTION 13. Shareholders who shall make default in the payment of their monthly dues, interest and premiums, shall be charged a fine not exceeding two per cent. per month on each dollar of such dues, interest and premiums so in arrears. No fines shall be charged after the expiration of six months from the first lapse in payment of said dues, interest and premiums, and no fine shall be charged upon a fine in arrears. The shares of all shareholders who shall continue in arrears for a longer period than six months shall, at the option of the board of directors, on thirty days notice to such defaulting shareholder, be declared forfeited, and in default of payment of said arrears before the expiration of said thirty days, the withdrawing value of said defaulting shares at the time of said first default shall be ascertained, and after deducting all fines and other legal charges, the balance remaining shall be transferred to an account, to be designated the "Forfeited Share Account," and shall be held by said corporation, with respect to the shares of non-borrowing members, subject to the order of the defaulting shareholder entitled to the same without any interest from the time of such transfer, and upon notice in the manner hereinbefore provided (in section ten) for the withdrawal and cancellation of shares, he shall be entitled to receive the balance in due order of his turn, out of the funds appropriated to the payment of withdrawals. And with respect to the shares of borrowing members, the said directors may proceed to the enforcement and recovery of the loan or advance for which such defaulting share or shares are or shall be pledged, in the manner hereinbefore provided, and on recovery of said loan said shares and the balance due thereon shall revert

Fines for default
in payment of
monthly dues.

Forfeited
shares.

to said corporation as a payment on account of said loan, and shall be held by said corporation free, clear and discharged of and from all interest, claim and demand on the part of such defaulting borrower or any person or persons claiming from or under him, her or them: *provided, however*, that all shares so as aforesaid forfeited or transferred to "Forfeited Share Account" shall cease to participate in or be entitled to any portion of the gains or profits of said corporation accruing after the adjustment and settlement of the accounts of said corporation and the valuation of shares as hereinafter provided next preceding the date of such forfeiture and transfer.

Proviso.

Accounts to be kept by double entry.

SECTION 14. The general accounts of any corporation created by virtue of this act, shall in all cases be kept upon the system of accounting known as "double entry"; all instalments and moneys received by such corporation from shareholders shall be receipted for by a person or persons designated by the board of directors, in a pass-book provided by the corporation for the use of and to be held by each member, and said pass-book shall be plainly marked with the name and residence of the holder thereof, the number of shares held by him, and the number or designation of the series or issue to which said shares respectively belong, and the date of the issue of such series.

Cash book.

All moneys so received shall be originally entered by the proper officer in a book to be called the "cash book," to be provided by said corporation for the purpose, and the entries therein shall be so made as to show the name of the payer, the number of shares, the number or designation of the series or issues of the particular share or shares so entered, together with the amount of dues, interest, premiums and fines paid thereon as the case may be. Each payment made shall be classified and entered in a column devoted to its kind. Said cash book shall be closed after the termination of each stated meeting, and shall be an exhibit of the receipts of all moneys paid at said meeting. All payments made by said corporation for any purpose whatsoever, shall be by order, check or draft upon the treasurer, signed by the president and secretary, and endorsed by the person or persons in whose favor the same shall be drawn. The name of the payer, the amount paid, and the purpose, object or thing for which the said payment shall have been made, together with the date of such payment, shall be entered on the counterfoil or mar-

Payments to be made by order, etc., signed by president and secretary.

gin of said order, check or draft. The treasurer shall dispose of and secure the safe keeping of all moneys, balances, assets, securities and property of said corporation, in the way and manner designated by the by-laws, and the treasurer and secretary shall give such security for the true and faithful performance of their respective duties as the by-laws may direct.

Treasurer and secretary to give security for faithful performance of duties.

SECTION 15. The assets, capital and property of any corporation created by virtue hereof, and the profits accrued thereon, together with the adjustment and valuation of the severalties or shares thereof, so far as the same shall from time to time be issued, subsisting and held by the members of such corporation, shall be ascertained, computed and calculated in the following manner, to wit:—A corporation making but one issue of shares by dating and referring all shares issued back to the date of the organization of the corporation, known as the terminating plan, and not adopting the serial issue of shares as hereinbefore set forth and provided for, shall make an annual statement of the settlements and adjustments of the accounts and valuation of the shares thereof, and to that end shall ascertain the amount of capital derived from dues on shares during the fiscal year, together with the amount of net gain derived from the investments of said capital as hereinbefore provided for, over and above all losses and expenses, and the sum of the said capital and said net gain shall be divided and distributed equally to each share issued, subsisting and remaining uncanceled and unforfeited at the time of such annual settlement and adjustment of accounts. A corporation issuing its shares in series as hereinbefore set forth (known as the permanent plan), shall in all cases before the issue of a new series, divide, distribute and adjust, to the existing shares of all series previously issued, and subsisting and remaining uncanceled and unforfeited, all capital derived from dues and the net gain accrued over and above all losses and expenses up to the date of the issue of such new series, and not previously divided, distributed and adjusted, and to that end shall give to each share in all series previously issued, subsisting uncanceled and unforfeited at the time of such adjustment, interest at the rate of one-half of one per cent. per month on the value of each share, as ascertained at the next preceding settlement and adjustment of values; and the sum of the interest so ascertained, dis-

Capital and property.

tributed and adjusted shall be deducted from said net gain for the term in question, and the balance of said net gain so remaining after such deduction of interest as aforesaid, shall be distributed equally to the shares of all series so as aforesaid previously issued, subsisting and uncanceled, without regard to the value of said shares; and the value of each share, or severalty, of the capital of said corporation so ascertained shall be deemed and taken to be the equitable proportion of each share in the capital and its accrued profits aforesaid, to the date of such settlement.

Losses to be borne by shares of all series issued.

All losses made by reason of defective or unprofitable securities for loans or advances shall be equitably distributed to and borne by the shares of all series issued, subsisting and uncanceled at the time of making said investment in proportion to the value of each share at the time of such loss, by the continued payment of dues, interest, premiums and fines accruing thereon, until said loss or losses are fully covered and made good, and no series issued after the date of such unprofitable loan or advance shall participate in or contribute to such loss or losses.

Officers to hold until successors are elected.

SECTION 16. No corporation created under this act shall cease or expire from neglect on the part of such corporation to elect officers at the time mentioned in the charter or by-laws, and all officers elected by such corporation shall hold their respective offices until their successors are duly elected.

Corporation may purchase real estate in which it has an interest.

SECTION 17. Any corporation created by or under this act is hereby authorized and empowered to purchase at any sheriff's or other judicial sale, or at any other sale, public or private, any real estate upon which such corporation may have or hold any mortgage, judgment, lien or other incumbrance, or in which such corporation may have an interest; and the real estate so purchased, to sell, convey, lease or mortgage, at pleasure, to any person or persons whatsoever: *provided*, that all real estate so acquired shall be sold within five years from the acquisition of title thereto.

Tax payable to the treasurer of the Commonwealth.

SECTION 18. Every association organized under the authority of this act, shall pay to the treasurer of the Commonwealth a tax on account of its shareholders, of three-quarters of one per cent. per annum on the amount of its monthly dues paid in by such shareholders, exclusive of fines, interest and premiums, to be assessed, one-half of

said annual tax on the average amount of its monthly dues paid in for the six months preceding the first day of May, and the other on the average amount of its monthly dues paid in for the six months preceding the first day of November, and all property taxed under this section shall be otherwise exempt from taxation for the current year in which the tax is paid. The provisions of the fifth, eighth, ninth and eleventh sections of the two hundred and twenty-fourth chapter of the acts of the year eighteen hundred and sixty-two, so far as applicable to savings banks, shall apply to the associations organized under this act.

Approved May 14, 1877.

AN ACT TO AUTHORIZE THE BOSTON LAND COMPANY TO MAKE CERTAIN IMPROVEMENTS IN BOSTON HARBOR, AND AUTHORIZING THE HARBOR COMMISSIONERS TO GRANT TO SAID COMPANY CERTAIN FLATS IN SAID HARBOR.

Chap. 225

Be it enacted, &c., as follows :

SECTION 1. The Boston Land Company are hereby authorized to construct a ship channel not less than three hundred feet wide and twenty-three feet deep at mean low water, from any channel near Governor's Island in Boston Harbor to some point at or near the shore on the southerly side of Breed's Island, in such manner and in such location as the harbor commissioners shall approve. Upon the construction of such ship channel to the satisfaction of the harbor commissioners within six years from the passage of this act, said commissioners shall, by deed executed in the name and behalf of the Commonwealth, grant to said Boston Land Company all the estate of the Commonwealth in the territory in tide-water, bounded westerly by the line of the ownership of the flats of the shore owners on the easterly shore of East Boston between Sumner Street and Breed's Island; northerly by the flats of the Boston Land Company on the southerly shore of Breed's Island and the flats of the shore owners on the westerly shore of the town of Winthrop; easterly by a line extending from the line of mean high water on said westerly shore of said town of Winthrop to the line of mean high water on the westerly shore of Governor's Island; and southerly by such line as the harbor commissioners shall determine proper for a permanent harbor-line, beyond which no wharf or other structure ought to be built; or in so much and such portions of said territory as the harbor commissioners by agreement in writing made with said company in

May construct a ship channel subject to direction of harbor commissioners.

Commissioners may grant estate to land company upon completion of channel.

Land company
may build
wharves and
docks.

May lay out and
build streets and
ways.

Legal rights not
to be impaired.

Provisos.

the name and behalf of the Commonwealth, subject to the approval of the governor and council, shall, at any time after the passage of this act, agree to grant under and upon the terms of the same; and said company are hereby authorized to build wharves and other structures upon piles or otherwise, sea-walls, docks, basins, warehouses, elevators and other buildings, and fill land with solid material and dredge within the limits of the flats belonging to said company on the southerly side of Breed's Island, within the limits to be described in said agreement, of the territory to be granted under this act and within the limits approved by said harbor commissioners, of such flats belonging to shore owners on said easterly shore of East Boston, and of such flats belonging to shore owners on the westerly shore of said town of Winthrop, as shall be acquired by said company; and said company shall have the right to lay out and build streets and ways and to lay down and use railroad tracks upon such territory and flats within the limits aforesaid, and to lay vessels at the ends and sides of their wharves or water frontage constructed under this act, and to receive wharfage and dockage therefor, and to maintain and keep open and convenient for navigation at all times the ship channel said company are herein authorized to construct: *provided, however*, that nothing herein shall be construed to impair the legal rights of any person or corporation; and *provided, further*, that all authority conferred by this act shall be exercised subject to the provisions of the four hundred and thirty-second chapter of the acts of the year eighteen hundred and sixty-nine, and that said company shall pay into the treasury of the Commonwealth such compensation for the territory of the Commonwealth in tide-water granted under the authority of this act as the governor and council shall determine to be just and equitable, and *provided, further*, that in making the improvements herein authorized, provision shall be made for the flow of tide-water into and from Belle Isle Inlet by a proper channel therefrom into Boston Harbor, under the direction, and to the satisfaction of the harbor commissioners, and *provided, further*, that no grant shall be executed of the interest which the Commonwealth may have in the territory described herein until the claim of the East Boston Company to any part thereof has been

examined by the attorney-general, and report made thereon by him to the legislature.

SECTION 2. The determination by the governor and council, of what compensation shall be paid into the treasury of the Commonwealth for the territory the grant whereof is herein authorized, shall be made on the request of said company before beginning to construct said ship channel, but shall not be binding upon said company until accepted by said company in writing, and the payment of such compensation shall not be required until the execution to said company by said harbor commissioners of the grant hereinbefore authorized: *provided, however*, that until such determination of the governor and council is accepted in writing by said company no work shall be done by said company under the authority of this act.

Compensation to be determined before commencement of construction.

Proviso.

SECTION 3. The board of harbor commissioners, with the approval of the governor and council, may authorize said company to make any of the improvements authorized by this act, anywhere within the limits of the ownership of the flats said company shall acquire from any of the shore owners on the easterly shore of East Boston, any act establishing a harbor line on said shore to the contrary notwithstanding.

Commissioners may permit improvement of flats acquired from shore owners.

Approved May 14, 1877.

AN ACT TO FIX THE SALARY OF THE SERGEANT-AT-ARMS.

Chap. 226

Be it enacted, &c., as follows:

SECTION 1. The salary of the sergeant-at-arms shall be three thousand dollars per annum commencing on the first day of April of the present year.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1877.

AN ACT ESTABLISHING AN ASYLUM FOR THE CHRONIC INSANE.

Chap. 227

Be it enacted, &c., as follows:

SECTION 1. There shall be established at Worcester a temporary asylum for the chronic insane, and so much of the land and buildings there situate heretofore used for a lunatic hospital, as the trustees thereof may deem necessary, is hereby appropriated for the use of such asylum.

Asylum for the chronic insane.

SECTION 2. The trustees of Worcester lunatic hospital are hereby invested with the same authority relative to the management and government of said asylum, the care of the inmates thereof, the custody of its funds, and the collection and disbursement of moneys for and on account of

To be in charge of trustees of Worcester hospital.

Inmates to be sent by board of state charities.

it, and to the same extent, as if the asylum was a part of said hospital: *provided, however*, that the inmates thereof, shall consist only of such chronic insane as may be transferred thereto by the board of state charities in the manner provided in section four of chapter two hundred and forty of the acts of the year eighteen hundred and sixty-three.

Trustees may sell land.

SECTION 3. Said trustees are hereby authorized to sell and convey any land heretofore used by said hospital, not necessary for the purpose of the asylum, in accordance with the provisions of section four of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy.

SECTION 4. This act shall take effect on the first day of September next.

Approved May 15, 1877.

Chap. 228 AN ACT IN RELATION TO THE BOARD OF STREET COMMISSIONERS OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Street commissioners may be invested with powers now exercised by board of aldermen, in care of streets, etc.

SECTION 1. The city council of the city of Boston is hereby authorized to delegate to and confer upon the board of street commissioners of said city any powers now vested in the board of aldermen, whether in conjunction with the mayor or otherwise, with reference to the care, maintenance and repair of the highways, streets, causeways and bridges in said city, or any powers now vested in or exercised by the board of aldermen of said city as surveyors of highways therein. It may likewise delegate to said board of street commissioners the powers vested in said board of aldermen, whether in conjunction with the mayor or otherwise, to regulate, restrict and control the acts and doings of all gas light companies in sinking, laying and repairing their pipes in the streets, lanes and highways in said city.

May be charged with powers in relation to sewers.

SECTION 2. The city council of the city of Boston is hereby authorized to delegate to and confer upon the board of street commissioners of said city any powers now vested in the board of aldermen, whether in conjunction with the mayor or otherwise, to lay, make, maintain and repair main drains and common sewers within said city, and to assess upon persons by law liable thereto their proportional part of the charge of laying, making and repairing the same, together with all other powers with reference to said main drains and common sewers

now vested in or exercised by said board of aldermen, whether in conjunction with the mayor or otherwise.

SECTION 3. The city council of the city of Boston may direct under what limitations and restrictions the powers, herein authorized to be delegated to and conferred upon the board of street commissioners of said city, shall be exercised, may modify said powers from time to time, or may revoke the same or any of them.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved May 15, 1877.

AN ACT RELATIVE TO PROCEEDINGS AFFECTING THE TITLE TO REAL ESTATE. Chap. 229

Be it enacted, &c., as follows :

SECTION 1. No writ of entry, petition for partition, or other proceeding, either in law or equity, affecting the title to real estate, shall affect persons other than the parties thereto, their heirs and devisees, and persons having actual notice thereof, until a memorandum containing the names of the parties to such proceeding, the court in which it is pending, the date of the writ or other proceeding, and the name of the city or town in which the real estate liable to be affected is situated, together with a description of such real estate sufficiently accurate for identification, shall be recorded in the registry of deeds for the county or district in which such real estate lies; but this act shall not be construed to apply to attachments or levies of execution, which shall continue to be subject to the provisions of law now in force in relation thereto, nor to proceedings in the probate courts or upon appeals therefrom.

SECTION 2. At any time after final judgment or decree in favor of the defendant, or the discontinuance, dismissal or other final disposition of the suit, by consent of parties or otherwise, or in case of the non-entry of the writ, petition or bill of complaint mentioned in section one, the clerk of the court wherein such judgment, decree, discontinuance, dismissal or other final disposition is recorded, or out of which such writ issued, or to which such petition or bill of complaint was addressed, shall upon demand give a certificate of the fact of such judgment, decree, discontinuance, dismissal, final disposal or non-entry, which may be recorded in the registry wherein the original record mentioned in section one was made.

City council may direct limitations of powers delegated.

Description of estate, etc., to be recorded in registry of deeds, before persons, other than parties to proceedings, shall be affected.

Certificate of decree in favor of defendant to be furnished by clerk, and may be recorded where original record was made.

Pending cases
not to be affect-
ed.

SECTION 3. All laws relating to the recording of deeds and other instruments shall apply to the memoranda specified in the first section of this act. Nothing herein contained shall apply to or in any manner affect any cases now pending.

Approved May 15, 1877.

Chap. 230 AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, ENTITLED AN ACT CONCERNING MANUFACTURING AND OTHER CORPORATIONS.

Be it enacted, &c., as follows:

Liability of
president and
directors of
corporations.

SECTION 1. The liability of officers of corporations for debts and contracts of the corporation in the cases specified in the first, second and third divisions of section thirty-eight of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, shall extend only to the president and directors.

Corporation
failing to make
returns for two
years may be
dissolved.

SECTION 2. When any corporation shall have failed for two successive years to make the annual statement required by section thirty-three of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, or any act in amendment thereof, the commissioner of corporations may apply to the supreme judicial court for a dissolution of such corporation, and the court after due notice to all parties interested may proceed to hear the matter and for reasonable cause decree a dissolution of the corporation. The provisions of sections thirty-six and thirty-nine of chapter sixty-eight of the General Statutes shall apply to corporations so dissolved.

Increase of
capital.
Shares not taken
by stockholders
to be sold as
stockholders
direct.

SECTION 3. When any corporation, other than a gas company, which is subject to the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, shall increase its capital stock, the shares which are not taken by shareholders may be sold or issued in such manner as the stockholders of the corporation shall by vote direct: *provided*, that no shares shall be so sold for a less amount than the par value thereof.

SECTION 4. This act shall take effect upon its passage.

Approved May 15, 1877.

Chap. 231 AN ACT TO PUNISH EMBEZZLEMENTS BY TRUSTEES, GUARDIANS, EXECUTORS AND ADMINISTRATORS.

Be it enacted, &c., as follows:

Penalty for
embezzlement
by trustee,

SECTION 1. If a trustee under an express trust, created by some deed, will or instrument in writing, or a guardian,

executor or administrator, or any person upon or to whom such a trust shall have devolved or come, shall embezzle or fraudulently convert or appropriate any money, goods or property held or possessed by him for the use or benefit either wholly or partially of some other person, or for any public or charitable purpose, to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid, or shall otherwise fraudulently dispose of or destroy any such property, he shall be deemed guilty of larceny and shall be punished by imprisonment in the state prison not exceeding ten years or by a fine not exceeding two thousand dollars and imprisonment in the jail not exceeding two years.

guardian, executor and administrator.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1877.

AN ACT IN REGARD TO TRAVELLING ON THE LORD'S DAY.

Chap. 232

Be it enacted, &c., as follows :

SECTION 1. The provisions of section two of chapter eighty-four of the General Statutes prohibiting travelling on the Lord's Day shall not constitute a defence to an action against a common carrier of passengers for any tort or injury suffered by a person so travelling.

Provisions of G. S. 84, § 2, not to be defence to action for injury to passenger.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1877.

AN ACT RELATING TO DISCIPLINE IN THE WESTBOROUGH REFORM SCHOOL.

Chap. 233

Be it enacted, &c., as follows :

SECTION 1. Corporal punishment shall only be permitted in the Westborough Reform School under such rules and regulations and by such modes as shall be prescribed by the trustees. No such punishment shall be inflicted, except by the direction of the superintendent or assistant superintendent in charge, to whom the offence shall be reported, and who shall designate the nature and extent of punishment to be inflicted.

Corporal punishment only permitted under rules prescribed by trustees.

SECTION 2. In every case of such punishment, a record of the offence and the mode and extent of the punishment shall be made and presented to the trustees at their next meeting.

Record to be made and presented to trustees.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1877.

Chap. 234 AN ACT TO AMEND CHAPTER FORTY-FOUR OF THE GENERAL STATUTES
IN RELATION TO THE REPAIR OF HIGHWAYS, AND REMEDIES FOR
INJURIES SUSTAINED THEREON.

Be it enacted, &c., as follows:

Highways and
bridges to be
kept in repair
at expense of
towns in which
situated.

SECTION 1. Highways, town ways, streets, causeways and bridges shall be kept in repair at the expense of the town, city or place in which they are situated when other provision is not made therefor, so that the same may be reasonably safe and convenient for travellers, with their horses, teams and carriages at all seasons of the year.

Liability for
injuries received
upon highways,
etc.

SECTION 2. If a person receives or suffers bodily injury, or damage in his property, through a defect or want of repair, or of sufficient railing in or upon a highway, town way, causeway or bridge, which might have been remedied, or which damage or injury might have been prevented by reasonable care and diligence on the part of the county, town, place or persons by law obliged to repair the same, he may recover in the manner herein-after provided, of the said county, town, place or persons, the amount of damage sustained thereby, if such county, town, place or persons had reasonable notice of the defect or might have had notice thereof by the exercise of proper care and diligence on their part; but no such damage shall be recovered by a person whose carriage and load thereon exceed the weight of six tons.

Carriage and
load not to ex-
ceed six tons.

Person injured
to give notice
of place and
cause of injury.

SECTION 3. Any person injured in the manner set forth in the preceding section shall within thirty days thereafter give notice to the county, town, place or persons by law obliged to keep said highway, town way, causeway or bridge in repair, of the time, place and cause of the said injury or damage, and if the said county, town, place or persons do not pay the amount thereof, he may within two years after the date of said injury or damage bring an action of tort against said county, town, place or persons, in the superior court to recover the same: *provided, however*, that no person shall recover in any such action a greater sum for damages than four thousand dollars.

May bring
action within
two years.

To whom notice
shall be given.

SECTION 4. The notice hereinbefore required may be given in the case of a county, to any one of the county commissioners or to the county treasurer; in the case of a city, to the mayor, the city clerk or treasurer, or to any police officer; and in the case of a town, to one of the selectmen or to the town treasurer or clerk; and may also be given by the person injured or by any other person in

his behalf: *provided, however*, that if from physical or mental incapacity it be impossible for the person injured to give the notice within the time hereinbefore provided, he may give notice within ten days after said incapacity is removed. Proviso.

SECTION 5. Such action against any such town, place or persons, shall be brought in the county wherein the said town or place is situated or said persons reside: *provided*, that actions against the city of Boston may be brought in the county of Middlesex or in the county of Norfolk or in the county in which the party bringing such action resides; and actions against the town of Nantucket, or any town in Dukes County, may be brought in the county of Bristol. Action to be brought in county where place is situated.
Proviso.

SECTION 6. Section one and section twenty-two of chapter forty-four of the General Statutes are hereby repealed; but this repeal shall not affect any action or cause of action now pending. Repeal of
G. S. 44, §§ 1, 22.

Approved May 16, 1877.

AN ACT RELATING TO THE REGISTRATION OF VOTERS.

Chap. 235

Be it enacted, &c., as follows:

SECTION 1. In cities, the place of residence of each voter as of the first day of May next preceding the making up of the voting lists shall be entered thereon opposite the name of the voter; and the assessors of taxes in cities shall enter opposite the name of each resident male tax payer in the list committed by them to the collectors of taxes, the residence, giving the street and number if possible, and the same entry shall be made on the tax bills distributed to such tax payers. The tax bills of persons assessed for a poll tax only, shall be distributed on or before the fifteenth day of September of the year in which the tax is assessed. Registration of voters in cities.

SECTION 2. In cities, registration of voters shall cease at twelve o'clock midnight of the seventh day next preceding the day of any election; and no name shall thereafter be entered on the voting lists of cities except as provided in section ten of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four. Distribution of tax bills.

SECTION 3. Section six of chapter sixty of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the word "twenty" wherever it occurs therein, and inserting in its place the word "twenty-four." Registration to cease at midnight of seventh day preceding election.

Approved May 16, 1877.

Amendment to
1874, 60, § 6.

Chap. 236 AN ACT CONCERNING APPEALS IN DISTRICT, MUNICIPAL AND POLICE COURTS AND BEFORE TRIAL JUSTICES.

Be it enacted, &c., as follows :

Appellant to recognize with sureties to enter and prosecute his appeal and to respond to judgment for costs.

Proviso.

In municipal courts in Boston bond to be filed.

Judgment to be final when defendant files an offer of judgment.

SECTION 1. No appeal from a judgment of a district, municipal or police court, or trial justice, in any civil action or proceeding, except such as may be commenced under chapter one hundred thirty-seven of the General Statutes, shall be allowed, unless the appellant within twenty-four hours after the entry of judgment shall recognize to the adverse party with sufficient surety or sureties, to be approved by the adverse party or by the judge or clerk of the court or trial justice rendering the judgment, in a reasonable sum to be fixed by the judge, clerk, or trial justice aforesaid, or approved by the adverse party, with condition to enter and prosecute his appeal with effect and to satisfy any judgment which may be entered against him in the superior court upon said appeal for costs within thirty days of the entry of such judgment : *provided*, that the judge, clerk or trial justice aforesaid may for cause shown extend the time for recognizing. In determining the sufficiency of the sureties upon such recognizance, the said judge, clerk or trial justice may examine upon oath, to be administered by either of them, the persons offered as sureties and all other witnesses produced by either party, as to the sufficiency of said recognizance. In civil actions before a district, municipal or police court, or trial justice, if the plaintiff appeals from a judgment in his favor, or if a defendant appeals from a judgment in his favor upon a demand in set-off, and does not recover in the court above a greater sum for debt or damages than he recovered by the first judgment, he shall recover no costs arising after the appeal, and shall pay the costs of the adverse party arising after the appeal. In the municipal courts of the city of Boston, instead of entering into recognizance, the party appealing shall file a bond, with surety or sureties, to the adverse party, within the same time, upon the same conditions, and with the same powers in the judge and clerk as are herein provided in respect to recognizances in other courts.

SECTION 2. Whenever the defendant in any case before a district, municipal or police court, or trial justice, files an offer of judgment, under the provisions of section sixty-two of chapter one hundred and twenty-nine of the General

Statutes, and judgment is rendered thereon, such judgment shall be final.

SECTION 3. Said courts shall not be required to collect of the plaintiff the fee provided by law for trial of an issue.

Plaintiff not required to pay fee for trial.

Approved May 16, 1877.

AN ACT TO AMEND THE CHARTER OF THE CHAPIN BANKING AND TRUST COMPANY OF SPRINGFIELD.

Chap. 237

Be it enacted, &c., as follows :

SECTION 1. The Chapin Banking and Trust Company of Springfield may be appointed trustee under any will or instrument creating a trust, for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation, by any officer thereof duly authorized by it, and the answers and examinations, under oath of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however,* that said corporation shall not be required to receive or hold any property or moneys, or to execute any trust contrary to its own desire.

May be appointed trustee under an instrument creating a trust for care of property.

Capital stock and liability of stockholders to be security for faithful discharge of duties.

Accounts may be sworn to by an officer of the corporation.

SECTION 2. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company: *provided,* that it shall be competent for the authority making the appointment, to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also,* that said corporation shall always be bound to follow and be entirely governed by all directions

To invest trust funds in the general trust fund of the company.

Provisos.

contained in any will or instrument under which it may act.

Property held by company not to be mingled with investments of capital stock.

SECTION 3. No money, property or securities received or held by said company under the provisions of this act shall be mingled with the investments of the capital stock or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Returns to be made to commissioners of savings banks.

SECTION 4. The returns of said corporation required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and assets, in accordance with a blank form to be furnished by said commissioners. And these returns shall be published in a newspaper of the city of Springfield at the expense of said corporation, and in the annual report of said commissioners.

Subject to acceptance by corporation.

SECTION 5. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president to the secretary of the Commonwealth.

Approved May 16, 1877.

Chap. 238 AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO BORROW MONEY FOR THE PURPOSE OF PAYING SUCH COSTS AND EXPENSES AS SAID COUNTY MAY BE REQUIRED TO PAY, UNDER THE PROVISIONS OF AN ACT RELATING TO SUNDERLAND BRIDGE."

Be it enacted, &c., as follows:

County of Franklin may borrow money, etc.
1877, 145.

Chapter one hundred and forty-five of the acts of the year eighteen hundred and seventy-seven, being "An Act to authorize the county commissioners of the county of Franklin to borrow money for the purpose of paying such costs and expenses as said county may be required to pay under the provisions of an act relating to Sunderland Bridge," and approved the twentieth day of April in the year eighteen hundred and seventy-seven, is hereby amended in line three, by striking out the word "two," and inserting in place thereof, the word "thirteen."

Approved May 16, 1877.

Chap. 239 AN ACT TO AMEND THE CHARTER OF THE NEW ENGLAND TRUST COMPANY.

Be it enacted, &c., as follows:

May be trustee under any instrument created.

SECTION 1. The New England Trust Company may be appointed trustee under any will or instrument creating a

trust, for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person.

The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to in behalf of the corporation, by any officer thereof duly authorized by it; and the answers and examinations, under oath of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.

SECTION 2. In the management of money and property, held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company: *provided*, that it shall be competent for the authority making the appointment, to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow, and be entirely governed by all directions contained in any will or instrument under which it may act.

SECTION 3. No money, property or securities received or held by said company under the provisions of this act shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

SECTION 4. The returns of said corporation required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities, and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commission-

ing a trust for
care of property.

Security for
faithful dis-
charge of duties.

Accounts may
be sworn to by
an officer of the
corporation.

To invest trust
funds in the gen-
eral trust fund of
the company.

Provisos.

Property held by
company not to
be mingled with
investments of
capital stock.

Returns to be
made to com-
missioners of
savings banks.

ers. And these returns shall be published in a newspaper of the city of Boston at the expense of said corporation, and in the annual report of said commissioners.

Subject to acceptance by corporation.

SECTION 5. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president of the corporation to the secretary of the Commonwealth.

Approved May 16, 1877.

Chap. 240 AN ACT TO AMEND AN ACT OF THE PRESENT YEAR RELATIVE TO COSTS IN ACTIONS UNDER THE TRUSTEE PROCESS.

Be it enacted, &c., as follows :

Amendment to 1877, 177.

SECTION 1. Section two of an act relative to costs in actions under the trustee process, approved May fourth, eighteen hundred and seventy-seven, is hereby amended by striking out the words "or before any justice of the peace or trial justice"; and said section two shall not be construed to alter or repeal section two of chapter three hundred and thirty of the acts of the year eighteen hundred and seventy.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1877.

Chap. 241 AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES."

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit :—

Returns from prisons.

In the act, chapter one hundred and twenty, relating to returns from county and city prisons, a sum not exceeding eight hundred and fifty dollars.

Clerk of police court of Newburyport.

In the act, chapter one hundred and forty-eight, to fix the salary of the clerk of the police court of Newburyport, the sum of two hundred dollars.

Aid to state paupers.

In the act, chapter one hundred and eighty-three, relating to the temporary aid of state paupers by cities and towns, a sum not exceeding twenty thousand dollars.

Justice second district court of Bristol.

In the act, chapter one hundred and eighty-eight, fixing the salary of the justice of the second district court of Bristol, the sum of five hundred dollars.

Any sums of money received under the provisions of chapter one hundred and sixty-one of the acts of the present year, shall be paid into the treasury of the Commonwealth; and said sums are hereby appropriated to be used in accordance with the provisions of said act.

Purchase of military property.

In the act, chapter one hundred and ninety-five, establishing an advisory board of women for sundry institutions, a sum not exceeding five hundred dollars.

Advisory board of women.

In the act, chapter two hundred, abolishing the office of coroner, and providing for medical examinations and inquests in cases of death from violence, a sum not exceeding one thousand dollars.

Medical examinations and inquests.

In the act, chapter two hundred and three, fixing the salary of the clerk of the insurance commissioner, a sum not exceeding two hundred dollars.

Clerk of insurance commissioner.

In the act, chapter two hundred and eight, to provide for keeping registers of voters in towns, a sum not exceeding seven hundred and fifty dollars.

Registers of voters.

In the act, chapter two hundred and twelve, providing a clerk for the police court in Gloucester, a sum not exceeding five hundred and fifty dollars.

Clerk of police court in Gloucester.

In the act, chapter two hundred and thirteen, to establish boards of harbor and land commissioners, the balances of the appropriations heretofore made for similar commissioners shall be held applicable.

Harbor and land commissioners.

In the act, authorizing appeals from decisions of the tax commissioner in relation to the taxation of insurance companies, a sum not exceeding three hundred dollars.

Appeals from decisions of tax commissioner.

In the resolve, chapter forty-nine, in favor of Patrick Mihan, the sum of seven hundred twenty-eight dollars and seventy-six cents.

Patrick Mihan.

In the resolve, chapter fifty, in favor of Samuel Hilman, the sum of one hundred and twenty-five dollars.

Samuel Hilman.

In the resolve, chapter fifty-one, relating to the celebration of the centennial anniversary of the battle of Bennington, and in aid of erecting a monument in commemoration of the same, a sum not exceeding two thousand five hundred dollars to defray expenses of the legislative visit thereto.

Centennial anniversary of the battle of Bennington.

In the resolve, chapter fifty-three, in favor of companies A and D, first battalion of cavalry, Massachusetts volunteer militia, a sum not exceeding four hundred and eighty-seven dollars.

Companies A and D, 1st Battalion Cavalry, M. V. M.

Rents of armories.

In the resolve, chapter fifty-four, reimbursing sundry cities and towns for payments made on account of rent of armories, a sum not exceeding nine thousand six hundred eighty-eight dollars and ninety-four cents.

Indexing state archives.

In the resolve, chapter fifty-seven, relating to the indexing of the state archives, a sum not exceeding two thousand dollars.

Public charities.

In the resolve, chapter fifty-nine, authorizing the appointment of a commission to inquire into the expediency of revising the system of administration of the public charities, a sum not exceeding one thousand five hundred dollars.

Supervision of statistics.

In the resolve, chapter sixty, providing for the supervision of statistics, a sum not exceeding five hundred dollars.

MISCELLANEOUS.

Boundaries of state prison lands.

For costs and legal expenses incurred under the act to provide for establishing the boundary lines of the state prison lands, approved May fifteenth, eighteen hundred and seventy-one, a sum not exceeding one thousand five hundred dollars.

Catalogue of state library.

For preparing a catalogue of the state library, a sum not exceeding six hundred dollars, which may be allowed and paid.

Northampton lunatic hospital.

For the redemption of the Northampton lunatic hospital loan, a sum not exceeding thirty-one thousand dollars.

Agent of board of state charities.

For expenses of the agent of the board of state charities, a sum not exceeding five hundred dollars, to be in addition to the appropriation heretofore made for the present year.

Transportation of state paupers.

For the transportation of lunatic and other state paupers, a sum not exceeding one thousand dollars, to be in addition to the appropriation heretofore made for the present year.

Expenses of cases of settlement, etc.

For expenses attending the management of cases of settlement and bastardy, a sum not exceeding five hundred dollars, to be in addition to the appropriation heretofore made for the present year.

Massachusetts Infant Asylum.

For the reimbursement of the Massachusetts infant asylum, for the support of infants having no known settlement in this Commonwealth during the present and

previous years, a sum not exceeding five thousand dollars, to be in addition to the sums heretofore appropriated.

For expenses of legislative committees of the present session, a sum not exceeding two thousand dollars, to be in addition to the appropriation heretofore made for the present year. Legislative committees.

For expenses of the commissioner of corporations, a sum not exceeding two hundred and fifty dollars, in addition to the appropriation heretofore made for the present year. Commissioner of corporations.

For the contingent expenses of the surgeon-general, a sum not exceeding one thousand dollars, in addition to the appropriation heretofore made for the present year. Surgeon-general.

The appropriation for expenses of legislative committees for the present year may be held applicable to any expenses of committees authorized to sit during the recess. Committees to sit during recess.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1877.

AN ACT MAKING APPROPRIATIONS FOR THE FURNISHING AND MAINTENANCE OF THE DANVERS INSANE HOSPITAL.

Chap. 242

Be it enacted, &c., as follows :

SECTION 1. The sum of fifty thousand dollars is hereby appropriated for the purpose of furnishing and providing for the occupancy of the hospital for the insane, now being erected at Danvers, to be expended under the authority and by the direction of the trustees hereafter to be appointed according to law. Appropriation for furnishing hospital.

SECTION 2. The further sum of twenty thousand dollars is hereby appropriated, to be expended under the authority and by the direction of said trustees, for the maintenance of the hospital till it shall be in the receipt of an income from the support of patients. Maintenance of hospital.

SECTION 3. In order to meet any expenses incurred by said trustees under the provisions of this act, the governor is authorized to draw his warrant on the treasurer of the Commonwealth for such sums as may be required from time to time for carrying out said provisions. Warrants may be drawn for expenses incurred.

SECTION 4. Said trustees shall present all their accounts relating to the disposition of the amount appropriated by the first section of this act to the auditor, for examination and approval. Accounts of trustees to be submitted to the auditor.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1877.

Chap. 243 AN ACT IN ADDITION TO AN ACT FOR THE RELIEF OF THE EASTERN RAILROAD COMPANY AND THE SECURING OF ITS DEBTS AND LIABILITIES.

Be it enacted, &c., as follows :

May pledge certain property as collateral security for money borrowed.

Proviso.

SECTION 1. The Eastern Railroad Company, with the assent of the trustees under the mortgage made in pursuance of chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-six, may pledge as collateral security for money borrowed, any of the property which by section thirteen of said act it is authorized to sell with the assent of said trustees, and may give the pledgee the same rights in the property so pledged as if the same were not mortgaged to said trustees: *provided, always,* that the proceeds of a loan so effected shall not be applied or disposed of, except for the purposes specified in said section thirteen, and except with the consent of the trustees first had and obtained.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1877.

Chap. 244 AN ACT IN FURTHER ADDITION TO AN "ACT TO ESTABLISH A HOSPITAL FOR THE INSANE IN THE NORTH-EASTERN PART OF THE COMMONWEALTH."

Be it enacted, &c., as follows :

Additional expenditure authorized.

SECTION 1. The commissioners appointed under authority of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, and their successors in authority, are authorized to expend for the purpose named and under the conditions prescribed in the first section of said act, (except so far as relates to the aggregate expenditure,) the sum of one hundred and fifty thousand dollars, in addition to the amounts heretofore authorized; and the same is hereby appropriated, to be provided in the manner and under the conditions prescribed for the expenditures authorized in said act.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1877.

Chap. 245 AN ACT TO AMEND THE CHARTER OF THE BOSTON SAFE DEPOSIT AND TRUST COMPANY.

Be it enacted, &c., as follows :

May increase capital stock.

SECTION 1. The Boston Safe Deposit and Trust Company may from time to time increase its capital stock to an amount not exceeding one million dollars.

SECTION 2. The said company may be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation, with the liabilities of the stockholders existing thereunder, shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and no surety shall be required upon the bonds filed by said corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this act, all accounts, returns and other papers may be signed and sworn to, in behalf of the corporation, by any officer thereof duly authorized by it; and the answers and examinations under oath of such officer shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they were parties to the proceedings or inquiry instead of the corporation: *provided, however*, that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.

May be trustee under any instrument creating a trust for care of property.

Capital stock held as security for faithful discharge of duties.

Proviso.

SECTION 3. In the management of money and property held by it as trustee under the powers conferred in the foregoing section, said corporation shall invest the same in the general trust fund of the company: *provided*, that it shall be competent for the authority making the appointment to direct, upon the conferring of the same, whether such money and property shall be held separately or invested in the general trust fund of the company; and *provided, also*, that said corporation shall always be bound to follow and be entirely governed by all directions contained in any will or instrument under which it may act.

To invest property held by it as trustee, in general trust fund of company.

Provisos.

SECTION 4. No money, property or securities received or held by said company under the provisions of this act, shall be mingled with the investments of the capital stock, or other moneys or property belonging to said corporation, or be liable for the debts or obligations thereof.

Property held not to be mingled with capital stock.

SECTION 5. The returns of said corporation, required to be made to the commissioners of savings banks, shall be in the form of a trial balance of its books, and shall

Returns to commissioners of savings banks.

specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Boston at the expense of said corporation, and in the annual report of said commissioners.

Subject to acceptance by corporation.

SECTION 6. This act shall take effect upon its acceptance by said corporation, which acceptance, with the date thereof, shall within ten days thereafter be certified by the president to the secretary of the Commonwealth.

Approved May 16, 1877.

Chap. 246 AN ACT TO MAKE A FURTHER APPROPRIATION FOR THE IMPROVEMENT OF THE COMMONWEALTH'S FLATS IN BOSTON HARBOR.

Be it enacted, &c., as follows:

Appropriation for improvement of Commonwealth's flats in South Boston.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty thousand dollars, to be expended for the purposes authorized by chapter three hundred and twenty of the acts of the year eighteen hundred and seventy-two, and the same is hereby appropriated.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1877.

Chap. 247 AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, &c., as follows:

State tax of \$1,500,000.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

Barnstable County.

BARNSTABLE COUNTY.

| | | |
|-------------------|--|------------|
| Barnstable, . . . | Two thousand three hundred and forty dollars, . . . | \$2,340 00 |
| Brewster, . . . | Six hundred and fifteen dollars, . . . | 615 00 |
| Chatham, . . . | Seven hundred and fifty dollars, . . . | 750 00 |
| Dennis, . . . | One thousand three hundred and eighty dollars, . . . | 1,380 00 |
| Eastham, . . . | One hundred and ninety-five dollars, . . . | 195 00 |
| Falmouth, . . . | Two thousand and fifty-five dollars, . . . | 2,055 00 |
| Harwich, . . . | Nine hundred and seventy-five dollars, . . . | 975 00 |

BARNSTABLE COUNTY—CONTINUED.

| | | |
|------------------|---|-------------------|
| Mashpee, . . . | Ninety dollars, | \$90 00 |
| Orleans, . . . | Four hundred and fifty dollars, . | 450 00 |
| Provincetown, . | One thousand six hundred and fifty dollars, | 1,650 00 |
| Sandwich, . . . | One thousand two hundred and fifteen dollars, | 1,215 00 |
| Truro, | Two hundred and seventy dollars, . | 270 00 |
| Wellfleet, . . . | Eight hundred and ten dollars, . | 810 00 |
| Yarmouth, . . . | One thousand two hundred and sixty dollars, | 1,260 00 |
| | | <hr/> \$14,055 00 |

BERKSHIRE COUNTY.

Berkshire
County.

| | | |
|-------------------|---|------------|
| Adams, | Five thousand five hundred and thirty-five dollars, | \$5,535 00 |
| Alford, | Two hundred and forty dollars, . | 240 00 |
| Becket, | Four hundred and twenty dollars, . | 420 00 |
| Cheshire, . . . | Nine hundred and fifteen dollars, . | 915 00 |
| Clarksburg, . . | Two hundred and twenty-five dollars, | 225 00 |
| Dalton, | One thousand and ninety-five dollars, | 1,095 00 |
| Egremont, . . . | Five hundred and ten dollars, . . | 510 00 |
| Florida, | One hundred and eighty dollars, . | 180 00 |
| Gt. Barrington, . | Two thousand eight hundred and sixty-five dollars, | 2,865 00 |
| Hancock, | Three hundred and seventy-five dollars, | 375 00 |
| Hinsdale, . . . | Seven hundred and twenty dollars, . | 720 00 |
| Lanesborough, . | Six hundred and sixty dollars, . . | 660 00 |
| Lee, | One thousand six hundred and eighty dollars, | 1,680 00 |
| Lenox, | One thousand two hundred dollars, . | 1,200 00 |
| Monterey, . . . | Two hundred and forty dollars, . . | 240 00 |
| Mt. Washington, . | Seventy-five dollars, | 75 00 |

BERKSHIRE COUNTY—CONTINUED.

| | | |
|------------------|---|-------------------|
| New Ashford, . | Seventy-five dollars, . . . | \$75 00 |
| New Marlboro', . | Seven hundred and twenty dollars, | 720 00 |
| Otis, . . . | Two hundred and forty dollars, . | 240 00 |
| Peru, . . . | One hundred and thirty-five dollars, | 135 00 |
| Pittsfield, . . | Seven thousand five hundred and ninety dollars, . . . | 7,590 00 |
| Richmond, . . | Four hundred and ninety-five dol- lars, . . . | 495 00 |
| Sandisfield, . | Three hundred and seventy-five dol- lars, . . . | 375 00 |
| Savoy, . . . | One hundred and ninety-five dollars, | 195 00 |
| Sheffield, . . | One thousand and five dollars, . | 1,005 00 |
| Stockbridge, . | Two thousand three hundred and fifty-five dollars, . . . | 2,355 00 |
| Tyringham, . . | Two hundred and twenty-five dol- lars, . . . | 225 00 |
| Washington, . | Two hundred and ten dollars, . . | 210 00 |
| W. Stockbridge, | Seven hundred and fifty dollars, . | 750 00 |
| Williamstown, . | One thousand five hundred and sixty dollars, . . . | 1,560 00 |
| Windsor, . . . | One hundred and ninety-five dollars, | 195 00 |
| | | <hr/> \$33,060 00 |

Bristol County.

BRISTOL COUNTY.

| | | |
|-----------------|--|-----------|
| Acushnet, . . | Five hundred and ten dollars, . . | \$510 00 |
| Attleborough, . | Three thousand eight hundred and eighty-five dollars, . . . | 3,885 00 |
| Berkley, . . . | Two hundred and seventy dollars, . | 270 00 |
| Dartmouth, . . | One thousand five hundred and sev- enty-five dollars, . . . | 1,575 00 |
| Dighton, . . . | Seven hundred and five dollars, . . | 705 00 |
| Easton, . . . | Two thousand four hundred and ninety dollars, . . . | 2,490 00 |
| Fairhaven, . . | One thousand three hundred and thirty-five dollars, . . . | 1,335 00 |
| Fall River, . . | Forty thousand and sixty-five dol- lars, . . . | 40,065 00 |

BRISTOL COUNTY—CONTINUED.

| | | |
|----------------|--|-------------------|
| Freetown, . . | Six hundred and thirty dollars, . | \$680 00 |
| Mansfield, . . | One thousand and five dollars, . | 1,005 00 |
| New Bedford, . | Twenty-one thousand eight hundred and seventy dollars, | 21,870 00 |
| Norton, . . . | Seven hundred and thirty-five dol- lars, | 735 00 |
| Raynham, . . | One thousand and fifty dollars, . | 1,050 00 |
| Rehoboth, . . | Six hundred and ninety dollars, . | 690 00 |
| Seekonk, . . . | Five hundred and twenty-five dol- lars, | 525 00 |
| Somerset, . . | Nine hundred dollars, | 900 00 |
| Swansey, . . . | Five hundred and eighty-five dol- lars, | 585 00 |
| Taunton, . . . | Fourteen thousand three hundred and fifty-five dollars, | 14,355 00 |
| Westport, . . | One thousand two hundred and thirty dollars, | 1,230 00 |
| | | <hr/> \$94,410 00 |

DUKES COUNTY.

Dukes County.

| | | |
|----------------|--|------------------|
| Chilmark, . . | Two hundred and fifty-five dollars, . | \$255 00 |
| Edgartown, . | One thousand four hundred and fifty-five dollars, | 1,455 00 |
| Gay Head, . . | Fifteen dollars, | 15 00 |
| Gosnold, . . . | One hundred and fifty dollars, . | 150 00 |
| Tisbury, . . . | Six hundred dollars, | 600 00 |
| | | <hr/> \$2,475 00 |

ESSEX COUNTY.

Essex County.

| | | |
|----------------|--|------------|
| Amesbury, . . | One thousand five hundred and thirty dollars, | \$1,530 00 |
| Andover, . . . | Three thousand two hundred and twenty-five dollars, | 3,225 00 |
| Beverly, . . . | Seven thousand one hundred and forty dollars, | 7,140 00 |
| Boxford, . . . | Five hundred and ten dollars, . | 510 00 |

ESSEX COUNTY—CONTINUED.

| | | |
|------------------|--|------------|
| Bradford, . . . | One thousand one hundred and seventy dollars, . . . | \$1,170 00 |
| Danvers, . . . | Three thousand two hundred and ten dollars, . . . | 3,210 00 |
| Essex, . . . | Eight hundred and twenty-five dollars, . . . | 825 00 |
| Georgetown, . . | Nine hundred dollars, . . . | 900 00 |
| Gloucester, . . | Seven thousand five hundred dollars, . . . | 7,500 00 |
| Groveland, . . . | Seven hundred and fifty dollars, . . | 750 00 |
| Hamilton, . . . | Four hundred and fifty dollars, . . | 450 00 |
| Haverhill, . . . | Nine thousand dollars, . . . | 9,000 00 |
| Ipswich, . . . | One thousand eight hundred and fifteen dollars, . . . | 1,815 00 |
| Lawrence, . . . | Eighteen thousand nine hundred and forty-five dollars, . . . | 18,945 00 |
| Lynn, . . . | Twenty-two thousand three hundred and eighty dollars, . . . | 22,380 00 |
| Lynnfield, . . . | Six hundred and seventy-five dollars, . . . | 675 00 |
| Manchester, . . | One thousand four hundred and seventy dollars, . . . | 1,470 00 |
| Marblehead, . . | Three thousand five hundred and fifty-five dollars, . . . | 3,555 00 |
| Merrimac, . . . | Eight hundred and forty dollars, . . | 840 00 |
| Methuen, . . . | Two thousand and ten dollars, . . . | 2,010 00 |
| Middleton, . . . | Four hundred and five dollars, . . . | 405 00 |
| Nahant, . . . | Six thousand two hundred and ten dollars, . . . | 6,210 00 |
| Newbury, . . . | Eight hundred and fifty-five dollars, . . | 855 00 |
| Newburyport, . . | Six thousand five hundred and fifty-five dollars, . . . | 6,555 00 |
| North Andover, . | One thousand eight hundred and sixty dollars, . . . | 1,860 00 |
| Peabody, . . . | Five thousand four hundred and seventy-five dollars, . . . | 5,475 00 |
| Rockport, . . . | One thousand eight hundred and thirty dollars, . . . | 1,830 00 |
| Rowley, . . . | Four hundred and eighty dollars, . . | 480 00 |
| Salem, . . . | Twenty-two thousand and thirty-five dollars, . . . | 22,035 00 |
| Salisbury, . . . | One thousand eight hundred and forty-five dollars, . . . | 1,845 00 |

ESSEX COUNTY—CONCLUDED.

| | | |
|------------------|--|--------------------|
| Saugus, . . . | One thousand five hundred and thirty dollars, . . . | \$1,530 00 |
| Swampscott, . . | Two thousand one hundred and forty-five dollars, . . . | 2,145 00 |
| Topsfield, . . . | Six hundred and forty-five dollars, . . | 645 00 |
| Wenham, . . . | Four hundred and ninety-five dollars, . . . | 495 00 |
| West Newbury, . | Nine hundred and thirty dollars, . . | 930 00 |
| | | <hr/> \$141,195 00 |

FRANKLIN COUNTY.

Franklin
County.

| | | |
|-------------------|---|----------|
| Ashfield, . . . | Four hundred and sixty-five dollars, . . . | \$165 00 |
| Bernardston, . . | Three hundred and sixty dollars, . . | 360 00 |
| Buckland, . . . | Five hundred and twenty-five dollars, . . . | 525 00 |
| Charlemont, . . | Three hundred and fifteen dollars, . . | 315 00 |
| Colrain, . . . | Five hundred and eighty-five dollars, . . . | 585 00 |
| Conway, . . . | Six hundred and ninety dollars, . . | 690 00 |
| Deerfield, . . . | One thousand four hundred and twenty-five dollars, . . . | 1,425 00 |
| Erving, . . . | Three hundred dollars, . . . | 300 00 |
| Gill, . . . | Four hundred and five dollars, . . | 405 00 |
| Greenfield, . . . | Two thousand six hundred and fifty-five dollars, . . . | 2,655 00 |
| Hawley, . . . | One hundred and fifty dollars, . . | 150 00 |
| Heath, . . . | One hundred and sixty-five dollars, . . | 165 00 |
| Leverett, . . . | Two hundred and eighty-five dollars, . . . | 285 00 |
| Leyden, . . . | One hundred and ninety-five dollars, . . . | 195 00 |
| Monroe, . . . | Forty-five dollars, . . . | 45 00 |
| Montague, . . . | One thousand seven hundred and twenty-five dollars, . . . | 1,725 00 |
| New Salem, . . | Two hundred and eighty-five dollars, . . . | 285 00 |
| Northfield, . . . | Six hundred and forty-five dollars, . . | 645 00 |

FRANKLIN COUNTY—CONTINUED.

| | | |
|-----------------|---|-------------------|
| Orange, . . | One thousand three hundred and thirty-five dollars, . . | \$1,335 00 |
| Rowe, . . | One hundred and fifty dollars, . . | 150 00 |
| Shelburne, . . | Seven hundred and ninety-five dollars, . . | 795 00 |
| Shutesbury, . . | One hundred and fifty dollars, . . | 150 00 |
| Sunderland, . . | Four hundred and five dollars, . . | 405 00 |
| Warwick, . . | Two hundred and fifty-five dollars, . . | 255 00 |
| Wendell, . . | One hundred and fifty dollars, . . | 150 00 |
| Whately, . . | Six hundred and sixty dollars, . . | 660 00 |
| | | <hr/> \$15,120 00 |

Hampden
County.

HAMPDEN COUNTY.

| | | |
|-----------------|---|------------|
| Agawam, . . | One thousand and sixty-five dollars, . . | \$1,065 00 |
| Blandford, . . | Three hundred and forty-five dollars, . . | 345 00 |
| Brimfield, . . | Four hundred and ninety-five dollars, . . | 495 00 |
| Chester, . . | Four hundred and sixty-five dollars, . . | 465 00 |
| Chicopee, . . | Four thousand eight hundred and forty-five dollars, . . | 4,845 00 |
| Granville, . . | Three hundred and sixty dollars, . . | 360 00 |
| Holland, . . | One hundred and five dollars, . . | 105 00 |
| Holyoke, . . | Eight thousand six hundred and forty dollars, . . | 8,640 00 |
| Longmeadow, . . | One thousand one hundred and forty dollars, . . | 1,140 00 |
| Ludlow, . . | Four hundred and sixty-five dollars, . . | 465 00 |
| Monson, . . | One thousand two hundred and fifteen dollars, . . | 1,215 00 |
| Montgomery, . . | One hundred and twenty dollars, . . | 120 00 |
| Palmer, . . | One thousand five hundred and sixty dollars, . . | 1,560 00 |
| Russell, . . | Three hundred and forty-five dollars, . . | 345 00 |
| Southwick, . . | Five hundred and twenty-five dollars, . . | 525 00 |

HAMPDEN COUNTY—CONTINUED.

| | | |
|-------------------|--|-------------------|
| Springfield, . . | Thirty-three thousand and forty-five dollars, | \$33,045 00 |
| Tolland, . . . | One hundred and ninety-five dollars, | 195 00 |
| Wales, | Three hundred and seventy-five dollars, | 375 00 |
| Westfield, . . . | Five thousand nine hundred and fifty-five dollars, | 5,955 00 |
| W. Springfield, . | Two thousand four hundred and ninety dollars, | 2,490 00 |
| Wilbraham, . . . | Eight hundred and twenty-five dollars, | 825 00 |
| | | <hr/> \$64,575 00 |

HAMPSHIRE COUNTY.

Hampshire
County.

| | | |
|--------------------|--|------------|
| Amherst, | Two thousand one hundred and fifteen dollars, | \$2,115 00 |
| Belchertown, . . | Nine hundred dollars, | 900 00 |
| Chesterfield, . . | Two hundred and seventy dollars, | 270 00 |
| Cummington, . . | Three hundred and sixty dollars, | 360 00 |
| Easthampton, . . | Two thousand one hundred and fifteen dollars, | 2,115 00 |
| Enfield, | Six hundred and thirty dollars, | 630 00 |
| Goshen, | One hundred and five dollars, | 105 00 |
| Granby, | Four hundred and thirty-five dollars, | 435 00 |
| Greenwich, . . . | Two hundred and fifty-five dollars, | 255 00 |
| Hadley, | One thousand two hundred and fifteen dollars, | 1,215 00 |
| Hatfield, | One thousand and sixty-five dollars, | 1,065 00 |
| Huntington, . . . | Four hundred and thirty-five dollars, | 435 00 |
| Middlefield, . . . | Three hundred and fifteen dollars, | 315 00 |
| Northampton, . . | Six thousand three hundred and forty-five dollars, | 6,345 00 |
| Pelham, | One hundred and fifty dollars, | 150 00 |
| Plainfield, . . . | One hundred and ninety-five dollars, | 195 00 |
| Prescott, | One hundred and sixty-five dollars, | 165 00 |

HAMPSHIRE COUNTY—CONTINUED.

| | | |
|---------------------|---|-------------------|
| South Hadley, . . . | One thousand five hundred and seventy-five dollars, | \$1,575 00 |
| Southampton, . . . | Four hundred and twenty dollars, | 420 00 |
| Ware, | One thousand six hundred and five dollars, | 1,605 00 |
| Westhampton, . . . | Two hundred and forty dollars, | 240 00 |
| Williamsburg, . . . | One thousand one hundred and forty dollars, | 1,140 00 |
| Worthington, . . . | Three hundred dollars, | 300 00 |
| | | <hr/> \$22,350 00 |

Middlesex
County.

MIDDLESEX COUNTY.

| | | |
|-----------------------|--|------------|
| Acton, | One thousand and eighty dollars, | \$1,080 00 |
| Arlington, | Five thousand and ten dollars, | 5,010 00 |
| Ashby, | Four hundred and fifty dollars, | 450 00 |
| Ashland, | One thousand two hundred and fifteen dollars, | 1,215 00 |
| Ayer, | Nine hundred and fifteen dollars, | 915 00 |
| Bedford, | Six hundred and fifteen dollars, | 615 00 |
| Belmont, | Three thousand three hundred and sixty dollars, | 3,360 00 |
| Billerica, | One thousand four hundred and twenty-five dollars, | 1,425 00 |
| Boxborough, | Two hundred and twenty-five dollars, | 225 00 |
| Burlington, | Four hundred and thirty-five dollars, | 435 00 |
| Cambridge, | Fifty-two thousand one hundred and fifty-five dollars, | 52,155 00 |
| Carlisle, | Three hundred and fifteen dollars, | 315 00 |
| Chelmsford, | One thousand two hundred and forty-five dollars, | 1,245 00 |
| Concord, | Two thousand five hundred and twenty dollars, | 2,520 00 |
| Dracut, | Eight hundred and forty dollars, | 840 00 |
| Dunstable, | Two hundred and eighty-five dollars, | 285 00 |
| Everett, | Three thousand four hundred and eighty dollars, | 3,480 00 |

MIDDLESEX COUNTY—CONTINUED.

| | | |
|----------------------|--|------------|
| Framingham, . . . | Three thousand nine hundred and fifteen dollars, . . . | \$3,915 00 |
| Groton, . . . | One thousand eight hundred and thirty dollars, . . . | 1,830 00 |
| Holliston, . . . | One thousand five hundred and sixty dollars, . . . | 1,560 00 |
| Hopkinton, . . . | One thousand nine hundred and twenty dollars, . . . | 1,920 00 |
| Hudson, . . . | One thousand four hundred and twenty-five dollars, . . . | 1,425 00 |
| Lexington, . . . | Two thousand four hundred and forty-five dollars, . . . | 2,445 00 |
| Lincoln, . . . | Seven hundred and five dollars, . . . | 705 00 |
| Littleton, . . . | Six hundred and thirty dollars, . . . | 630 00 |
| Lowell, . . . | Thirty-one thousand six hundred and fifty dollars, . . . | 31,650 00 |
| Malden, . . . | Seven thousand eight hundred dollars, . . . | 7,800 00 |
| Marlborough, . . . | Two thousand eight hundred and twenty dollars, . . . | 2,820 00 |
| Maynard, . . . | One thousand and ninety-five dollars, . . . | 1,095 00 |
| Medford, . . . | Seven thousand six hundred and ninety-five dollars, . . . | 7,695 00 |
| Melrose, . . . | Three thousand five hundred and seventy dollars, . . . | 3,570 00 |
| Natick, . . . | Three thousand one hundred and five dollars, . . . | 3,105 00 |
| Newton, . . . | Twenty-four thousand one hundred and twenty dollars, . . . | 24,120 00 |
| North Reading, . . . | Three hundred and seventy-five dollars, . . . | 375 00 |
| Pepperell, . . . | One thousand two hundred dollars, . . . | 1,200 00 |
| Reading, . . . | One thousand nine hundred and fifty dollars, . . . | 1,950 00 |
| Sherborn, . . . | Seven hundred and fifty dollars, . . . | 750 00 |
| Shirley, . . . | Seven hundred and ninety-five dollars, . . . | 795 00 |
| Somerville, . . . | Twenty-three thousand one hundred and sixty dollars, . . . | 23,160 00 |
| Stoneham, . . . | Two thousand five hundred and eighty dollars, . . . | 2,580 00 |
| Stow, . . . | Five hundred and eighty-five dollars, . . . | 585 00 |
| Sudbury, . . . | Eight hundred and forty dollars, . . . | 840 00 |
| Tewksbury, . . . | Seven hundred and fifty dollars, . . . | 750 00 |

MIDDLESEX COUNTY—CONCLUDED.

| | | |
|-----------------|--|--------------|
| Townsend, . | Six hundred and ninety dollars, . | \$690 00 |
| Tyngsborough, . | Two hundred and fifty-five dollars, . | 255 00 |
| Wakefield, . | Three thousand eight hundred and ten dollars, . | 3,810 00 |
| Waltham, . | Eight thousand two hundred and five dollars, . | 8,205 00 |
| Watertown, . | Six thousand four hundred and twenty dollars, . | 6,420 00 |
| Wayland, . | Nine hundred and thirty dollars, . | 930 00 |
| Westford, . | Nine hundred and thirty dollars, . | 930 00 |
| Weston, . | One thousand three hundred and eighty dollars, . | 1,380 00 |
| Wilmington, . | Four hundred and fifty dollars, . | 450 00 |
| Winchester, . | Three thousand seven hundred and sixty-five dollars, . | 3,765 00 |
| Woburn, . | Seven thousand one hundred and twenty-five dollars, . | 7,125 00 |
| | | \$238,800 00 |

Nantucket
County.

NANTUCKET COUNTY.

| | | |
|--------------|--|------------|
| Nantucket, . | One thousand nine hundred and ninety-five dollars, . | \$1,995 00 |
|--------------|--|------------|

Norfolk County.

NORFOLK COUNTY.

| | | |
|---------------|--|-----------|
| Bellingham, . | Four hundred and fifty dollars, . | \$450 00 |
| Braintree, . | Two thousand two hundred and fifty dollars, . | 2,250 00 |
| Brookline, . | Twenty-three thousand seven hundred and fifteen dollars, . | 23,715 00 |
| Canton, . | Two thousand six hundred and ten dollars, . | 2,610 00 |
| Cohasset, . | One thousand nine hundred and twenty dollars, . | 1,920 00 |
| Dedham, . | Four thousand nine hundred and ninety-five dollars, . | 4,995 00 |
| Dover, . | Three hundred and sixty dollars, . | 360 00 |
| Foxborough, . | One thousand four hundred and fifty-five dollars, . | 1,455 00 |

NORFOLK COUNTY—CONTINUED.

| | | |
|------------------|--|-------------------|
| Franklin, . . . | One thousand two hundred and forty-five dollars, . . . | \$1,245 00 |
| Holbrook, . . . | One thousand two hundred and ninety dollars, . . . | 1,290 00 |
| Hyde Park, . . . | Five thousand two hundred and thirty-five dollars, . . . | 5,235 00 |
| Medfield, . . . | Eight hundred and forty dollars, . . . | 840 00 |
| Medway, . . . | One thousand five hundred and thirty dollars, . . . | 1,530 00 |
| Milton, . . . | Six thousand four hundred and twenty dollars, . . . | 6,420 00 |
| Needham, . . . | Three thousand six hundred and sixty dollars, . . . | 3,660 00 |
| Norfolk, . . . | Four hundred and sixty-five dollars, . . . | 465 00 |
| Norwood, . . . | One thousand four hundred and ten dollars, . . . | 1,410 00 |
| Quincy, . . . | Five thousand eight hundred and fifty dollars, . . . | 5,850 00 |
| Randolph, . . . | Two thousand and fifty-five dollars, . . . | 2,055 00 |
| Sharon, . . . | Seven hundred and ninety-five dollars, . . . | 795 00 |
| Stoughton, . . . | Two thousand and eighty-five dollars, . . . | 2,085 00 |
| Walpole, . . . | One thousand two hundred and forty-five dollars, . . . | 1,245 00 |
| Weymouth, . . . | Five thousand and seventy dollars, . . . | 5,070 00 |
| Wrentham, . . . | Nine hundred and seventy-five dollars, . . . | 975 00 |
| | | <hr/> \$77,925 00 |

PLYMOUTH COUNTY.

Plymouth
County.

| | | |
|-----------------------|--|------------|
| Abington, . . . | One thousand four hundred and ten dollars, . . . | \$1,410 00 |
| Bridgewater, . . . | Two thousand one hundred and forty-five dollars, . . . | 2,145 00 |
| Brookton, . . . | Four thousand six hundred and ninety-five dollars, . . . | 4,695 00 |
| Carver, . . . | Four hundred and ninety-five dollars, . . . | 495 00 |
| Duxbury, . . . | One thousand one hundred and twenty-five dollars, . . . | 1,125 00 |
| E. Bridgewater, . . . | One thousand one hundred and fifty-five dollars, . . . | 1,155 00 |

PLYMOUTH COUNTY—CONTINUED.

| | | |
|---------------------|---|-------------------|
| Halifax, . . | Two hundred and fifty-five dollars, | \$255 00 |
| Hanover, . . | Eight hundred and twenty-five dollars, | 825 00 |
| Hanson, . . | Four hundred and ninety-five dollars, | 495 00 |
| Hingham, . . | Two thousand nine hundred and twenty-five dollars, | 2,925 00 |
| Hull, . . | Four hundred and eighty dollars, | 480 00 |
| Kingston, . . | One thousand three hundred and ninety-five dollars, | 1,395 00 |
| Lakeville, . . | Four hundred and eighty dollars, | 480 00 |
| Marion, . . | Four hundred and five dollars, | 405 00 |
| Marshfield, . . | Eight hundred and twenty-five dollars, | 825 00 |
| Mattapoisett, . . | One thousand and twenty dollars, | 1,020 00 |
| Middleborough, . . | Two thousand one hundred and sixty dollars, | 2,160 00 |
| Pembroke, . . | Six hundred dollars, | 600 00 |
| Plymouth, . . | Three thousand seven hundred and twenty dollars, | 3,720 00 |
| Plympton, . . | Two hundred and seventy dollars, | 270 00 |
| Rochester, . . | Four hundred and twenty dollars, | 420 00 |
| Rockland, . . | One thousand seven hundred and twenty-five dollars, | 1,725 00 |
| Scituate, . . | One thousand two hundred and fifteen dollars, | 1,215 00 |
| South Abington, . . | One thousand one hundred and seventy dollars, | 1,170 00 |
| South Scituate, . . | Nine hundred and thirty dollars, | 930 00 |
| Wareham, . . | Nine hundred and seventy-five dollars, | 975 00 |
| W. Bridgewater, . . | Seven hundred and eighty dollars, | 780 00 |
| | | <hr/> \$34,095 00 |

Suffolk County.

SUFFOLK COUNTY.

| | | |
|--------------|--|--------------|
| Boston, . . | Six hundred and nineteen thousand one hundred and ten dollars, | \$619,110 00 |
| Chelsea, . . | Fourteen thousand seven hundred and thirty dollars, | 14,730 00 |

SUFFOLK COUNTY—CONTINUED.

| | | |
|---------------|--|--------------------|
| Revere, . . | One thousand five hundred and sixty dollars, | \$1,560 00 |
| Winthrop, . . | Eight hundred and forty dollars, . . | 840 00 |
| | | <hr/> \$636,240 00 |

WORCESTER COUNTY.

Worcester
County.

| | | |
|-------------------|---|-----------|
| Ashburnham, . . | Nine hundred and forty-five dollars, | \$945 00 |
| Athol, | Two thousand three hundred and fifty-five dollars, | 2,355 00 |
| Auburn, | Four hundred and ninety-five dollars, | 495 00 |
| Barre, | One thousand five hundred and ninety dollars, | 1,590 00 |
| Berlin, | Four hundred and twenty dollars, | 420 00 |
| Blackstone, . . | One thousand seven hundred and eighty-five dollars, | 1,785 00 |
| Bolton, | Four hundred and sixty-five dollars, | 465 00 |
| Boylston, | Four hundred and eighty dollars, | 480 00 |
| Brookfield, . . | One thousand one hundred and eighty-five dollars, | 1,185 00 |
| Charlton, | Eight hundred and forty dollars, | 840 00 |
| Clinton, | Three thousand seven hundred and five dollars, | 3,705 00 |
| Dana, | Two hundred and fifty-five dollars, | 255 00 |
| Douglas, | Seven hundred and ninety-five dollars, | 795 00 |
| Dudley, | Eight hundred and eighty-five dollars, | 885 00 |
| Fitchburg, . . . | Ten thousand six hundred and thirty-five dollars, | 10,635 00 |
| Gardner, | One thousand seven hundred and seventy dollars, | 1,770 00 |
| Grafton, | One thousand six hundred and thirty-five dollars, | 1,635 00 |
| Hardwick, | Nine hundred and fifteen dollars, | 915 00 |
| Harvard, | Nine hundred and fifteen dollars, | 915 00 |
| Holden, | Eight hundred and twenty-five dollars, | 825 00 |
| Hubbardston, . . | Seven hundred and thirty-five dollars, | 735 00 |

WORCESTER COUNTY—CONTINUED.

| | | |
|-------------------|--|------------|
| Lancaster, . . | One thousand nine hundred and five dollars, | \$1,905 00 |
| Leicester, . . | One thousand seven hundred and eighty-five dollars, | 1,785 00 |
| Leominster, . . | Three thousand two hundred and twenty-five dollars, | 3,225 00 |
| Lunenburg, . . | Six hundred and forty-five dollars, | 645 00 |
| Mendon, . . . | Five hundred and fifty-five dollars, | 555 00 |
| Milford, . . . | Four thousand two hundred and ninety dollars, | 4,290 00 |
| Millbury, . . . | Two thousand two hundred and five dollars, | 2,205 00 |
| New Braintree, . | Four hundred and five dollars, | 405 00 |
| Northborough, . | One thousand and sixty-five dollars, | 1,065 00 |
| Northbridge, . . | One thousand eight hundred and seventy-five dollars, | 1,875 00 |
| N. Brookfield, . | One thousand five hundred and sixty dollars, | 1,560 00 |
| Oakham, | Three hundred dollars, | 300 00 |
| Oxford, | One thousand two hundred and ninety dollars, | 1,290 00 |
| Paxton, | Two hundred and seventy dollars, | 270 00 |
| Petersham, . . . | Five hundred and eighty-five dollars, | 585 00 |
| Phillipston, . . | Two hundred and seventy dollars, | 270 00 |
| Princeton, . . . | Seven hundred and sixty-five dollars, | 765 00 |
| Royalston, . . . | Six hundred and thirty dollars, | 630 00 |
| Rutland, | Three hundred and ninety dollars, | 390 00 |
| Shrewsbury, . . | Nine hundred and forty-five dollars, | 945 00 |
| Southborough, . | One thousand one hundred and fifty-five dollars, | 1,155 00 |
| Southbridge, . . | Two thousand six hundred and twenty-five dollars, | 2,625 00 |
| Spencer, | Two thousand three hundred and ten dollars, | 2,310 00 |
| Sterling, | Nine hundred and sixty dollars, | 960 00 |
| Sturbridge, . . . | Nine hundred and sixty dollars, | 960 00 |
| Sutton, | One thousand two hundred and thirty dollars, | 1,230 00 |

WORCESTER COUNTY—CONCLUDED.

| | | |
|------------------------|--|---------------------|
| Templeton, . . . | One thousand one hundred and ten dollars, . . . | \$1,110 00 |
| Upton, . . . | Seven hundred and thirty-five dollars, . . . | 735 00 |
| Uxbridge, . . . | One thousand five hundred and thirty dollars, . . . | 1,530 00 |
| Warren, . . . | One thousand three hundred and five dollars, . . . | 1,305 00 |
| Webster, . . . | Two thousand one hundred dollars, . . . | 2,100 00 |
| Westborough, . . . | Two thousand and twenty-five dollars, . . . | 2,025 00 |
| West Boylston, . . . | Nine hundred and ninety dollars, . . . | 990 00 |
| West Brookfield, . . . | Seven hundred and twenty dollars, . . . | 720 00 |
| Westminster, . . . | Seven hundred and thirty-five dollars, . . . | 735 00 |
| Winchendon, . . . | One thousand eight hundred and sixty dollars, . . . | 1,860 00 |
| Worcester, . . . | Forty-two thousand seven hundred and sixty-five dollars, . . . | 42,765 00 |
| | | <u>\$123,705 00</u> |

RECAPITULATION.

Recapitulation
by counties.

| | | |
|---------------------|---|-------------|
| Barnstable Co., . . | Fourteen thousand and fifty-five dollars, . . . | \$14,055 00 |
| Berkshire Co., . . | Thirty-three thousand and sixty dollars, . . . | 33,060 00 |
| Bristol Co., . . . | Ninety-four thousand four hundred and ten dollars, . . . | 94,410 00 |
| Dukes Co., . . . | Two thousand four hundred and seventy-five dollars, . . . | 2,475 00 |
| Essex Co., . . . | One hundred and forty-one thousand one hundred and ninety-five dollars, . . . | 141,195 00 |
| Franklin Co., . . . | Fifteen thousand one hundred and twenty dollars, . . . | 15,120 00 |
| Hampden Co., . . . | Sixty-four thousand five hundred and seventy-five dollars, . . . | 64,575 00 |
| Hampshire Co., . . | Twenty-two thousand three hundred and fifty dollars, . . . | 22,350 00 |
| Middlesex Co., . . | Two hundred and thirty-eight thousand eight hundred dollars, . . . | 238,800 00 |
| Nantucket Co., . . | One thousand nine hundred and ninety-five dollars, . . . | 1,995 00 |
| Norfolk Co., . . . | Seventy-seven thousand nine hundred and twenty-five dollars, . . . | 77,925 00 |

RECAPITULATION—CONTINUED.

| | | |
|------------------|---|----------------------|
| Plymouth Co., . | Thirty-four thousand and ninety-five dollars, | \$34,095 00 |
| Suffolk Co., . | Six hundred and thirty-six thousand two hundred and forty dollars, . . | 636,240 00 |
| Worcester Co., . | One hundred and twenty-three thousand seven hundred and five dollars, | 123,705 00 |
| | | <hr/> \$1,500,000 00 |

Treasurer of
Commonwealth
to issue warrant.

SECTION 2. The treasurer shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

To require
selectmen or
assessors to
issue warrants
to city or town
treasurers.

SECTION 3. The treasurer, in his warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and seventy-seven, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October next.

To notify
delinquent
city or town
treasurer, etc.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dated on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delin-

quent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1877.

AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF PUBLIC AND CERTAIN OTHER DOCUMENTS. *Chap. 248*

Be it enacted, &c., as follows:

SECTION 1. There shall be printed annually, on or before the assembling of the legislature, or as soon after the meeting of the legislature as may be expedient, a number of copies of documents and reports, as specified in the following list, the same to be numbered in a series to be called public documents, and distributed as herein-after provided; and no larger number shall be printed, save by special order of the legislature:—

Public documents—
Numbers to be printed.

Registration of births, marriages and deaths, one thousand.

Report of secretary of board of education, two thousand three hundred.

Report of librarian of state library, one thousand one hundred.

Report of secretary of board of agriculture, two thousand.

Report of treasurer and receiver-general, one thousand one hundred.

Report of auditor of accounts, one thousand three hundred.

Report of adjutant-general, one thousand six hundred.

Report of surgeon-general, one thousand.

Report of savings bank commissioners, one thousand one hundred.

Report of insurance commissioner, on fire insurance, one thousand five hundred.

Report of insurance commissioner, on life insurance, one thousand five hundred.

Abstract of returns of corporations organized under general laws, two thousand.

Report of commissioners on public lands, one thousand one hundred.

Report of attorney-general, one thousand six hundred.

Public documents—
Numbers to be
printed.

Report of inspectors and warden of state prison, one thousand one hundred.

Report of agent for discharged convicts, one thousand one hundred.

Abstract of sheriffs' returns, one thousand one hundred.

Abstract of returns of registers of deeds, one thousand one hundred.

Report of secretary of board of state charities, one thousand six hundred.

Report of trustees of state reform school at Westborough, one thousand one hundred.

Aggregates of polls, property and taxes, one thousand six hundred.

Report of trustees of industrial school for girls, one thousand one hundred.

Report of trustees of lunatic hospital at Northampton, one thousand one hundred.

Report of trustees of lunatic hospital at Taunton, one thousand one hundred.

Report of trustees of lunatic hospital at Worcester, one thousand one hundred.

Report of inspectors of state workhouse at Bridgewater, one thousand one hundred.

Report of inspectors of state primary school at Monson, one thousand one hundred.

Report of inspectors of state almshouse at Tewksbury, one thousand one hundred.

Report of trustees of Perkins institution and Massachusetts asylum for the blind, one thousand one hundred.

Report of trustees of school for idiotic and feeble-minded youth, one thousand one hundred.

Report of harbor commissioners, one thousand one hundred.

Report of commissioners on inland fisheries, one thousand one hundred.

Report of tax commissioner, one thousand three hundred.

Report of commissioners on prisons, one thousand one hundred.

Report of railroad commissioners, and returns of railroad corporations, one thousand five hundred; and there shall also be printed one thousand five hundred copies for the use of the commissioners.

Report of the chief of the state detective force, one thousand one hundred.

Report of state board of health, two thousand.

Public documents.

Report of bureau of statistics of labor, one thousand six hundred.

SECTION 2. The state printers are authorized to retain six hundred copies of each of the series known as "public documents" for binding in sets; the secretary of the Commonwealth being authorized to furnish, as heretofore, one set to each city and town, and one set to such public and other libraries as he in his discretion may select. And the remainder of the public documents, the distribution of which is not hereinbefore provided for, shall be distributed under direction of the secretary of the Commonwealth, and the secretaries of the several boards and departments.

SECTION 3. There shall also be printed the following:—

Of the manual of the general court (sixteen mo.), to be prepared each year by the clerks of the two branches, twenty-five hundred.

Of the blue book, one thousand five hundred.

Of the general laws, thirty thousand.

SECTION 4. Each member of the executive and legislative departments shall be entitled to receive, upon application, one copy of each of the documents named in section one of this act, one copy of the "blue book" and "general laws," and two copies of the "manual" of the general court; three hundred of the remaining copies of the manual to be for the use of the next legislature, and the remainder shall be in charge of the clerks of the two branches, and be distributed by them at their discretion. The remaining copies of the "blue book" and the "general laws" shall be distributed under the direction of the secretary of the Commonwealth.

Public documents—
Manner of distribution.

SECTION 5. There shall be printed, to be sold under the direction of the secretary of the Commonwealth, at a price not less than one-half of the cost of the same, of the following named documents:—

To be sold at not less than one-half of cost.

Report of the board of education, one thousand five hundred copies.

Report of the board of agriculture, twenty-five hundred copies.

Report of the insurance commissioner on fire insurance, eighteen hundred copies.

Report of the insurance commissioner on life insurance, eighteen hundred copies.

Public documents.

Report of the board of state charities, five hundred copies.

Report of the railroad commissioners, fifteen hundred copies.

Report of the board of health, two thousand copies.

Report of the adjutant-general, one thousand copies.

Manual of the general court, one thousand copies.

Report of the bureau of statistics of labor, one thousand copies.

Blue book, two thousand copies.

SECTION 6. Section ten of chapter forty of the General Statutes, and chapter one hundred and seventy-eight of the acts of the year eighteen hundred and seventy-six, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 7. This act shall take effect upon its passage, except so far as it relates to the printing and distribution of documents of the year eighteen hundred and seventy-six, and the pamphlet edition of the general laws and the "blue book" of the present year. *Approved May 17, 1877.*

Chap. 249 AN ACT TO PROVIDE AND APPROPRIATE MONEYS FOR THE IMPROVEMENT AND COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL, AND THE PAYMENT OF CLAIMS INCURRED THEREFOR, AND TO EXTEND THE POWER OF THE GOVERNOR AND COUNCIL RELATIVE TO TOLLS.

Be it enacted, &c., as follows:

Appropriation for improvement and completion of Troy and Greenfield Railroad and Hoosac Tunnel.

SECTION 1. For the purposes of repair, relocation and completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and the payment of claims hitherto incurred therefor, and to enable the governor and council to perform the duties imposed upon them under the provisions of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, the treasurer of the Commonwealth is authorized and instructed to issue scrip, or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding three hundred and seventy-two thousand five hundred dollars, on the same terms and conditions as are provided in section three of chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight.

Governor and council to prepare scrip for sale, etc.

SECTION 2. The governor and council are hereby authorized and directed to take all necessary measures for the preparation of said scrip, or certificates of debt, and

for the sale or negotiation thereof, with authority to expend such sums of money as may be necessary for the purpose.

SECTION 3. Whatever premium may be received from the sale of any of the scrip or certificates of debt, issued under the authority of this act beyond the cost of preparing and negotiating the same, shall be added to and constitute a part of the sinking fund created by the provisions of chapter two hundred and twenty-six of the acts of the year eighteen hundred and fifty-four.

Premium to be added to sinking fund.

SECTION 4. Said sum of three hundred and seventy-two thousand and five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes expressed in the first section of this act, and the expenditure thereof for the said purposes shall be entrusted to the governor and council.

Expenditures in charge of governor and council.

SECTION 5. The governor, with the advice and consent of the council, is authorized to use any part of the tolls or earnings of the Troy and Greenfield Railroad and Hoosac Tunnel which shall have been deposited with the treasurer of the Commonwealth during the current year in which he may be required to use the same, to pay for or repair any damages arising from flood or accident upon said railroad or in said tunnel. And the said earnings are hereby appropriated for the purpose.

Appropriation of earnings of railroad and tunnel.

SECTION 6. The governor, with the advice and consent of the council, is authorized to construct a passenger station at Greenfield either separately or in combination with the Fitchburg Railroad Company and Connecticut River Railroad Company, or either of them, and to provide by agreement with either or both said companies, if a station shall be constructed at joint expense, for the amounts to be paid therefor by the Commonwealth and by either or both said companies respectively, and for the location, maintenance, use and control of said station, and for the several rights therein of the Commonwealth, of each of said railroad companies, and of all other railroad companies or parties that may use the same, and for the equitable division of any income to be derived therefrom: *provided*, that the moneys to be paid for this station by the Commonwealth shall be taken from the reimbursements for land damages to be paid by the inhabitants of the town of Greenfield under chapter one hundred and forty of the acts of the year eighteen hundred and seventy-six, and

Union passenger station may be built at Greenfield.

To be paid for, out of reimbursements for land damages.

Proviso.

said reimbursements are hereby appropriated to the amount of twelve thousand five hundred dollars for the purposes of this section ; and *provided, further*, that no action shall be taken under this section if the governor and council shall not deem the moneys received from such reimbursements to be sufficient for the purposes thereof.

Temporary reduction of tolls not prohibited.

SECTION 7. The words "not to be raised for one year after they are thus determined" in the second and third lines of the fifth section of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, shall not be construed to prevent the governor, with the advice and consent of the council, from reducing the rates of the tolls therein referred to temporarily, by means of rebates, and again restoring them to the amount fixed for such year.

Offices and land at Adams may be sold.

SECTION 8. The governor, with the advice and consent of the council, is authorized to sell the present offices of the management in Adams and the real estate connected therewith, and cause the same to be conveyed to the purchaser by deed of quitclaim, to be signed by the treasurer and receiver-general, and to be sealed with the seal of the Commonwealth ; and the governor, with the advice and consent of the council, is further authorized to use the proceeds of the sale thereof to an amount not exceeding five thousand dollars, and ten thousand dollars additional of the amount hereinbefore appropriated, to construct a union passenger station at North Adams, in combination with the Boston and Albany Railroad Company ; and to fix and determine by agreement with said company the location, maintenance, use and control of said depot and the several rights therein of the Commonwealth, of said company, and of all other railroad companies and parties that may use the same, and for the equitable distribution of any income thereof ; and in case of failure to agree by parties interested, the questions in dispute shall be decided and determined upon by the railroad commissioners.

Union passenger station at North Adams.

SECTION 9. This act shall take effect upon its passage.

Approved May 17, 1877.

Chap. 250 AN ACT RELATING TO THE ARREST AND EXAMINATION OF JUDGMENT DEBTORS.

Be it enacted, &c., as follows :

Arrest of a judgment debtor on execution.

SECTION 1. Any magistrate to whom application may be made for a certificate authorizing arrest on execution

upon the first charge specified in section five of chapter one hundred and twenty-four of the General Statutes, shall, unless it appears that the judgment debtor intends to leave the state, before granting the same, issue notice to the debtor to appear at a time and place therein fixed and submit to an examination touching his estate. Such notice may be served by any officer authorized to serve said execution, by delivering an attested copy of the notice to the debtor, or leaving the same at his last and usual place of abode not less than three days before the time fixed for the examination, and one day additional for every twenty-four miles travel. The examination or the time fixed therefor, may be postponed or continued from time to time at the discretion of the magistrate. And the provisions of chapter seventy-seven of the acts of the year eighteen hundred and seventy shall apply thereto.

Service of
notice.

Examination
may be post-
poned.

SECTION 2. If the judgment debtor appears before the magistrate at the time and place fixed, he shall be examined in writing and on oath touching his estate and effects and the disposal thereof. Such examination may be in the presence of the magistrate or otherwise as he shall direct, and when completed shall be signed and sworn to by the debtor and shall be preserved by the magistrate. The magistrate shall also hear any legal and pertinent evidence which either party may offer. The judgment creditor shall pay to the magistrate the following fees: For the notice or citation, one dollar; for each day's hearing, and for each day's examination when conducted in the presence of the magistrate, three dollars.

Examination
to be in writing
and under oath.

Fees.

SECTION 3. If it shall appear that the debtor has any estate or property of any kind to the amount of twenty dollars, not exempt from being taken on execution, he shall, if possible, produce the same and allow it to be taken on the execution or otherwise applied to the payment of the judgment debt and the costs of these proceedings. If said estate or property cannot be taken on the execution, the debtor shall be required to execute and deliver to the judgment creditor, or some person in his behalf, a transfer, assignment or conveyance of the same, in such form as the magistrate may direct. The debtor shall have the right to redeem real estate so transferred, within one year, and personal property within sixty days, from the date of such transfer, assignment or conveyance, upon payment of said debt and costs and the necessary

Property not
exempt and ex-
ceeding twenty
dollars, to be
produced by
debtor.

Debtor may
redeem estate
transferred or
assigned.

expense actually paid by the creditor for the care or custody of such property. If such estate or property is not redeemed, the same shall be sold forthwith at public auction, unless in the transfer or assignment of the same it was provided otherwise, and the proceeds, after deducting the expenses of such sale, shall be applied to the payment of said debt and costs; and the excess, if any, remaining after such payments, shall be paid to the debtor, or, the creditor may take said property, at a valuation to be fixed by the debtor in the transfer, assignment or conveyance of the same, and apply such amount in payment as aforesaid. The creditor may refuse to accept any transfer or assignment whatever, and his acceptance of the same shall not destroy or impair his right to have his execution satisfied in whole or in part by a levy on other property, in the manner provided by law. In case the execution, at any time after such transfer or assignment is made, and before the sale of the property conveyed thereby, is satisfied in full by levy or otherwise, the creditor shall re-convey said property to the debtor forthwith.

Creditor may refuse to accept transfer.

If certificate for arrest is not issued, creditor not to again apply for period of three years.

SECTION 4. If the debtor shall appear as directed by the magistrate and obey all lawful orders and requirements made by the magistrate, the magistrate shall not grant a certificate authorizing an arrest on the aforesaid application, and the judgment creditor shall not for the period of three years thereafter be authorized to make application for the arrest or examination of such debtor upon the same charge and cause of action.

Magistrate may authorize arrest without notice.

SECTION 5. If in addition to the first charge specified in section five of chapter one hundred and twenty-four of the General Statutes, as amended by subsequent acts relating thereto, the judgment creditor, or some one in his behalf, makes affidavit and proves to the satisfaction of the magistrate that there is good reason to believe that the debtor intends to leave the state, the magistrate may, without notice to the debtor, authorize his arrest; and if the debtor, when arrested, desires to take the oath that he does not intend to leave the state, he shall be examined in relation thereto in the same manner, and after giving the creditor due notice as provided by law in case of arrest on mesne process; and if the magistrate, upon hearing, is satisfied that the defendant did not, when arrested, and does not at the time of the examination, intend to leave the state, he shall make certificate thereof and discharge

the debtor from arrest, but such discharge shall not prevent the subsequent arrest of the debtor upon any of the last five charges specified in section five of chapter one hundred and twenty-four of the General Statutes; and immediately upon such discharge he shall be required to submit to examination in the manner provided in this act, if the creditor so desires, without further notice.

SECTION 6. The notice to the debtor required by the first section of this act shall be signed by the magistrate, designating his official capacity, and shall be substantially in the following form, viz. :—

Form of notice
to debtor.

To A. B.

C. D., the judgment creditor named in a certain execution against you, dated , issued from (here designate the court), having applied for a certificate authorizing your arrest, you are hereby notified to appear before me at my office at on the day of at o'clock in the noon for examination in accordance with the provisions of chapter of the acts of the year eighteen hundred and seventy-seven.

E. F. (*Magistrate*).

Approved May 17, 1877.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 251

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit :—

Appropriations.

In the act, chapter two hundred and twenty-six, to fix the salary of the sergeant-at-arms, the sum of three hundred and seventy-five dollars.

Sergeant-at-arms.

In the act, chapter one hundred and ninety-four, "authorizing the railroad commissioners to summon witnesses, administer oaths and take testimony," a sum not exceeding one hundred dollars.

Railroad commissioners.

In the resolve, in favor of the Worcester Lunatic Hospital, a sum not exceeding thirty thousand dollars.

Worcester Lunatic Hospital.

In the resolve, in favor of the Massachusetts Agricultural College, the sum of five thousand dollars in accordance with the provisions of said resolve.

Agricultural College.

MISCELLANEOUS.

Adjutant-general's office.

Of the appropriation for extra clerks in the adjutant-general's department remaining unexpended after the first of June, so much as may be necessary may be used for the compensation of such services as the governor shall direct.

Doorkeepers and messengers.

For the compensation of the doorkeepers, messengers and pages to the legislature, a sum not exceeding two thousand five hundred dollars, to be in addition to the appropriation for the present year.

Legislative committees.

For expenses of legislative committees a sum not exceeding two thousand dollars, to be in addition to the appropriations heretofore made for the present year.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1877.

Chap. 252 AN ACT AUTHORIZING THE APPOINTMENT OF TRUSTEES FOR THE STATE LUNATIC HOSPITAL AT DANVERS.

Be it enacted, &c., as follows:

Trustees to be appointed.

SECTION 1. The government of the state lunatic hospital at Danvers shall be vested in a board of five trustees, to be appointed in the same manner and with the same powers and duties as are prescribed in the seventy-third chapter of the General Statutes and all existing acts in addition thereto and modification thereof for the government of the state lunatic hospitals at Worcester, Taunton and Northampton. And all the provisions of said chapter and the acts in addition thereto and modification thereof, so far as the same can be made applicable, are hereby extended and made applicable to the management of said state lunatic hospital at Danvers.

Trustees to complete work not included in contracts.

SECTION 2. The trustees to be appointed under this act are hereby authorized to complete all necessary work not included in contracts made by the present commissioners; and on the first day of October next, said trustees shall assume full and exclusive management and control of said hospital and all matters and contracts relating thereto; and when said hospital is finished and ready to receive patients, give notice thereof to his excellency the governor and to the secretary of the board of state charities, and after the receipt of such notice patients may be committed to said hospital, or transferred thereto from other hospitals or prisons, in the same manner as they may now be to either of the state lunatic hospitals.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1877.

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE IN FAVOR OF THE STATE REFORM SCHOOL FOR BOYS, AT *Chap.* 1.
WESTBOROUGH.

Resolved, That the unexpended balance of the appropriation authorized by chapter sixty-nine of the resolves of the year eighteen hundred and seventy-five for the enlargement of the state reform school for boys, at Westborough, amounting to eighteen thousand four hundred eighty-nine dollars and ninety-one cents, be and the same hereby is re-appropriated, to be expended for the purposes and in the manner specified in said resolve.

State Reform
School at West-
borough—
Appropriation.

Approved January 30, 1877.

RESOLVE TO FURNISH CERTAIN BOOKS AND DOCUMENTS TO THE *Chap.* 2.
TOWN OF MERRIMAC.

Resolved, That the secretary of the Commonwealth be and he is hereby authorized and directed to furnish to the town of Merrimac a full set of the reports of the decisions of the supreme judicial court, one copy of the General Statutes, and copies of all such books and documents in his office as may heretofore have been furnished by the Commonwealth to towns. And the secretary is hereby authorized to purchase such of the reports and statutes aforesaid as may be necessary to carry this resolve into effect: *provided*, that the clerk of the town shall first file with the secretary of state a certificate in writing, to the effect that the town has provided, at its own expense, a suitable book-case for the preservation of the books to be received from the Commonwealth.

Books and
documents to
be furnished
to the town of
Merrimac.

Approved February 6, 1877.

Chap. 3. RESOLVES IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY.

State almshouse
at Tewksbury—
Appropriation.

Resolved, That the unexpended balance of the appropriation authorized by chapter fifty-three of the resolves of the year eighteen hundred and seventy-five, for the alteration of the insane asylum at Tewksbury, amounting to nine hundred ninety-five dollars and forty-five cents, be and the same hereby is re-appropriated; also, that a further sum of nine hundred ten dollars and seven cents, be appropriated in addition thereto, said sums to be expended by the inspectors of Tewksbury almshouse in the completion of the new building authorized by the executive council October twenty-seventh, eighteen hundred and seventy-six.

Resolved, That from the unexpended balance of the appropriation made for the current expenses of the state almshouse at Tewksbury for the year eighteen hundred and seventy-six, there may be used a sum not exceeding one thousand nine hundred sixty-five dollars and ninety-five cents, in payment of salaries of officers at said institution for the month of December of said year.

Approved February 8, 1877.

Chap. 4. RESOLVE PROVIDING FOR THE DISTRIBUTION OF VOLUME THIRTEEN OF THE SPECIAL LAWS OF THE COMMONWEALTH.

Special Laws,
vol. 13, to be
furnished to
legislature.

Resolved, That the secretary of the Commonwealth be authorized to deliver to each member of the present senate and house of representatives, upon application therefor, one copy of volume thirteen of the special laws of the Commonwealth.

Approved February 21, 1877.

Chap. 5. RESOLVE RELATING TO THE GOLD MEDAL PRESENTED BY THE GOVERNMENT OF HAYTI TO THE LATE HONORABLE CHARLES SUMNER.

Medal presented
to Charles
Sumner to be
deposited in
state library.

Resolved, That the gold medal, sent by the government of Hayti to the Honorable Charles Sumner in the year eighteen hundred and seventy-one, in the name of the people of Hayti, as a grateful acknowledgment of his successful effort to establish diplomatic relations between the republic of Hayti and the United States of America, in the year eighteen hundred and sixty-two; and also for his more recent but equally successful efforts to prevent the annexation of the republic of Dominica to the United States, which medal, Mr. Sumner owing to constitutional objections declined to receive, and which at his suggestion was presented to the state of Massachusetts, be trans-

ferred from the treasury department to the rooms of the state library, given in charge to the librarian, and affixed to the wall in a conspicuous place, accompanied by a brief statement why it was offered to Mr. Sumner and the manner in which it came into the possession of the state.

Approved February 27, 1877.

RESOLVE RELATING TO THE OFFICIAL CORRESPONDENCE OF THE EXECUTIVE DEPARTMENT DURING THE WAR.

Chap. 6.

Resolved, That his excellency the governor be authorized to employ such assistance and incur such expense as he may deem necessary for the indexing and binding of the official correspondence of the executive department during the war; and that a sum not exceeding two thousand dollars be and hereby is appropriated therefor.

Correspondence of executive to be indexed—Appropriation.

Approved March 1, 1877.

RESOLVE IN FAVOR OF OSBORNE E. EATON.

Chap. 7.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Osborne E. Eaton, state aid, to the amount of six dollars per month, from and after the first day of September in the year eighteen hundred and seventy-six.

State aid granted to Osborne E. Eaton.

Approved March 1, 1877.

RESOLVE IN FAVOR OF MARY FISHER.

Chap. 8.

Resolved, That there be allowed and paid from the treasury to Mary Fisher, the sum of ninety-six dollars for state aid.

Allowance to Mary Fisher.

Approved March 1, 1877.

RESOLVE IN FAVOR OF THE FARR ALPACA COMPANY OF HOLYOKE.

Chap. 9.

Resolved, That there be allowed and paid out of the treasury to Gurdon Bill, president of the Farr Alpaca Company, the sum of six hundred and forty dollars, for excess of tax paid by said corporation on its capital stock.

Allowance to Farr Alpaca Company.

Approved March 1, 1877.

RESOLVE CONCERNING THE RECORDS OF THE LOCATIONS OF RAILROADS.

Chap. 10.

Resolved, That the board of railroad commissioners be and they are hereby authorized and required to examine into the methods in which the records of locations made by railroad corporations heretofore have been or now are preserved; to prescribe such rules as they may deem necessary in regard to the form in which such locations shall hereafter be made and the certificates which

Railroad commissioners to report concerning the records of locations of railroads.

shall be annexed to the same before they shall be admitted for record; and report to the next general court such legislation as they may deem necessary for the custody, better preservation, more perfect arrangement and indexing of such records.

Approved March 10, 1877.

Chap. 11. RESOLVE AUTHORIZING THE TOWN OF MARLBOROUGH TO REMOVE CERTAIN REMAINS OF THE DEAD.

Town of Marlborough may remove certain remains of the dead.

Resolved, That the town of Marlborough is hereby authorized to remove the remains of the dead from the burial ground adjoining the high school common in said Marlborough, to such other burial place in said town or its vicinity, as it may select, or the relatives and friends of the deceased may designate and provide, and to level and grade the surface of said ground, upon the following terms and conditions: such removal shall be made under the supervision of a committee to be appointed by said town; the remains of the dead shall be re-interred in a proper and suitable manner, due regard being had to the wishes of the relatives and friends of the dead; and a plan of the ground, in the burial place selected by said town to which such remains shall be removed, showing the position of all the known dead so removed, shall be made and filed in the office of the town clerk of Marlborough for future reference. The remains of all the dead in said burial ground shall be removed, together with the headstones and monuments now remaining, which shall be duly replaced to indicate the new graves of the deceased to whose memory they were erected. Removals of remains may be made by friends of the deceased under the direction of said committee and subject to such reasonable restrictions as they may impose; but no removals, unless at the request of the relatives or friends of the deceased, shall be made until said committee shall have first given notice to all persons interested, by a publication of this resolve, six successive weeks in the *Mirror Journal*, a newspaper published in said town of Marlborough, and by a notice in writing to all persons known to them as owners of lots in said burial ground and residing in this Commonwealth. Said ground shall be surrounded by suitable enclosures, and shall forever remain unused for a public street, unoccupied by any building and open as a public park.

Approved March 10, 1877.

RESOLVE RELATIVE TO BASS AND GURNET ROCKS, OFF PLYMOUTH AND DUXBURY BAYS. *Chap. 12.*

Resolved, That it is expedient, and the harbor commissioners are hereby requested, to petition the general government to remove Bass and Gurnet rocks, off Gurnet Head, at the entrance of Plymouth and Duxbury bays.

Bass and Gurnet
Rocks.

Approved March 10, 1877.

RESOLVE IN FAVOR OF ALBERT L. COOLIDGE. *Chap. 13.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Albert L. Coolidge of Boston, a sum not exceeding eight thousand one hundred dollars, and the same is hereby appropriated, in payment for money expended by him in erecting and maintaining the Massachusetts state building on the centennial grounds at Philadelphia; payment to be made on vouchers approved by the governor and council.

Allowance
to Albert L.
Coolidge.

Approved March 10, 1877.

RESOLVE IN FAVOR OF THE TOWN OF WEST BOYLSTON. *Chap. 14.*

Resolved, That out of the Massachusetts school fund there be allowed and paid to the town of West Boylston its share of the income of said school fund for the year eighteen hundred and seventy-six.

To receive share
of school fund.

Approved March 13, 1877.

RESOLVE TO FURNISH CERTAIN BOOKS, DOCUMENTS, AND STANDARD WEIGHTS, MEASURES AND BALANCES, TO THE TOWN OF BUCKLAND. *Chap. 15.*

Resolved, That the secretary of the Commonwealth be and he is hereby authorized and directed to furnish to the town of Buckland a copy of the General Statutes and copies of all such books and documents heretofore furnished to towns, excepting the reports of the supreme judicial court, as he may be able to furnish without detriment to his files: *provided*, that the clerk of the town shall first file with him a certificate that said town has provided at its own expense a suitable book-case to preserve said books.

Town of Buck-
land to receive
books and docu-
ments.

The treasurer of the Commonwealth is hereby authorized and directed to furnish to the said town, from those in his possession, a set of standard weights, measures and balances.

Standard
weights and
measures.

Said town, after accepting the above named books and weights, measures and balances, shall be held responsible for the insurance thereof.

To be respon-
sible for insur-
ance thereof.

Approved March 26, 1877.

Chap. 16. RESOLVE IN FAVOR OF THE STATE WORKHOUSE AT BRIDGEWATER.

Inspectors
may purchase
additional land.

Resolved, That the inspectors of the state workhouse at Bridgewater be authorized to purchase for the Commonwealth additional land, not to exceed twenty-five acres, adjoining that of said institution, at a price not exceeding thirty dollars per acre; and that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven hundred and fifty dollars for the purchase aforesaid, the same being hereby appropriated and payable upon properly approved vouchers filed with the state auditor.

Approved March 26, 1877.

Chap. 17.

RESOLVE IN FAVOR OF MARIA J. CROSBY.

Allowance of
state aid to
Maria J. Crosby.

Resolved, That for reasons set forth in her petition, Maria J. Crosby, of Georgetown, be entitled to receive from the first day of January in the year eighteen hundred and seventy-seven, the same amount of state aid as if she were a widowed mother.

Approved March 26, 1877.

Chap. 18.

RESOLVE IN FAVOR OF PATRICK O'RIORDAN, OF BOSTON.

Allowance
to Patrick
O'Riordan.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Patrick O'Riordan, the sum of five hundred dollars, as compensation for a horse injured while in the care of the employes of the state.

Approved March 26, 1877.

Chap. 19.

RESOLVE GRANTING COUNTY TAXES.

County taxes
granted.

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county respectively, to be collected and applied according to law :—

Barnstable.—Sixteen thousand dollars.

Berkshire.—Seventy-five thousand dollars.

Bristol.—One hundred and three thousand dollars.

Dukes.—Six thousand five hundred dollars.

Essex.—One hundred and forty thousand dollars.

Franklin.—Thirty thousand dollars.

Hampden.—Eighty thousand dollars.

Hampshire.—Thirty-eight thousand dollars.

Middlesex.—One hundred and forty thousand dollars; *provided*, that not less than twenty thousand dollars of this sum so raised by taxation, shall be applied and used for the purpose of erecting a building for a registry of deeds in said county.

Norfolk.—Eighty thousand dollars.

Plymouth.—Forty-five thousand dollars.

Worcester.—One hundred and sixty thousand dollars.

Approved March 28, 1877.

RESOLVE FOR PRINTING ADVANCE SHEETS OF THE REPORT OF A BOARD OF MILITARY OFFICERS. *Chap. 20.*

Resolved, That the sum of one thousand dollars be and hereby is appropriated, to be expended under direction of the governor, for printing the advance sheets of the report of the board of military officers appointed for the purpose of drafting a code of regulations for the guidance and government of the Massachusetts volunteer militia. *Appropriation.*

Approved March 28, 1877.

RESOLVE RELATING TO CERTAIN RECORDS OF THE VICE ADMIRALTY COURT OF MASSACHUSETTS BAY IN THE POSSESSION OF THE BOSTON ATHENÆUM. *Chap. 21.*

Resolved, That the proprietors of the Boston Athenæum be authorized to deposit with the clerk of the district court of the United States for the district of Massachusetts, to be kept by him and his successors in office within the Commonwealth, with the records of said court, the docket, book of sales, and two volumes of records of the vice admiralty court of the province of Massachusetts Bay, belonging to the Commonwealth and now in the possession of said corporation. *Records to be deposited with the clerk of U. S. district court.*

Approved March 28, 1877.

RESOLVE FOR THE PURPOSE OF ASSISTING DISCHARGED FEMALE PRISONERS. *Chap. 22.*

Resolved, That there be allowed and paid out of the treasury, under the direction of the governor, a sum not exceeding fifteen hundred dollars, for the purpose of assisting discharged female prisoners; and that a return be made to the auditor of the amounts so expended. *Allowance for discharged female prisoners.*

Approved March 28, 1877.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH. *Chap. 23.*

Resolved, That there be allowed and paid out of the treasury to the Massachusetts School for Idiotic and Feeble-Minded Youth, the sum of twenty-five hundred dollars, to meet the wants of the school in its current and necessary expenses; and the farther sum of six thousand dollars, to pay for special and extraordinary repairs upon the buildings during the past year. *Allowance for current expenses and repairs.*

Approved March 28, 1877.

Chap. 24. RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance to
Massachusetts
Eye and Ear
Infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of ten thousand dollars, to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary, for the present year; and the said managers shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

Approved March 28, 1877.

Chap. 25. RESOLVE IN FAVOR OF RICHARD F. ANDREWS.

State aid to
be allowed to
Richard F.
Andrews.

Resolved, That on and after the first day of January in the year eighteen hundred and seventy-seven, Richard F. Andrews and family be entitled to receive the same amount of state aid they would have been entitled to receive had his disability been contracted during his original term of service.

Approved March 28, 1877.

Chap. 26. RESOLVE IN FAVOR OF EDGAR E. BURRITT OF SANDWICH.

Allowance to
Edgar E.
Burritt.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Edgar E. Burritt of Sandwich, the sum of three hundred and twenty-five dollars, the same being the bounty he was entitled to receive from the Commonwealth under the provisions of chapter two hundred and fifty-four of the acts of the year one thousand eight hundred and sixty-three.

Approved March 28, 1877.

Chap. 27. RESOLVE IN FAVOR OF BENJAMIN HUDDALL OF SALEM.

Allowance
to Benjamin
Huddell.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Benjamin Huddell of Salem, the sum of nineteen dollars and forty-three cents, the same being due him for pay from the time of his being mustered out of service till he was discharged from the hospital.

Approved March 28, 1877.

Chap. 28. RESOLVE IN FAVOR OF JOHN SULLIVAN OF MEDFORD.

Allowance to
John Sullivan.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John Sullivan of Medford, the sum of one hundred dollars, the same being the bounty he was entitled to receive from the Commonwealth.

Approved March 28, 1877.

RESOLVE IN FAVOR OF CATHERINE A. BRITT.

Chap. 29.

Resolved, That there be allowed and paid out of the treasury, to Richard H. Salter, guardian, the sum of forty-eight dollars for state aid to his ward Catherine A. Britt.

Allowance to
Catherine A.
Britt.

Approved March 28, 1877.

RESOLVE IN FAVOR OF MARGARET J. LINCOLN OF SOMERVILLE.

Chap. 30.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Margaret J. Lincoln of Somerville, widow of Levi H. Lincoln, a member of company A. sixteenth regiment Massachusetts volunteers, the same state aid from January first in the year eighteen hundred and seventy-seven, that she would be entitled to receive had she been married to him previous to his discharge from the army.

Allowance to
Margaret J.
Lincoln.

Approved March 28, 1877.

RESOLVE TO PROVIDE FOR THE CONSTRUCTION AND EQUIPMENT OF A MAGAZINE AT THE STATE CAMP GROUNDS IN THE TOWN OF FRAMINGHAM.

Chap. 31.

Resolved, That a sum not exceeding one thousand dollars be allowed and paid out of the treasury, and the same is hereby appropriated, to be expended under the direction of the adjutant-general, with the approval of the governor and council, for the construction and equipment of a magazine for the safe keeping of artillery and small-arm ammunition at the state camp grounds in the town of Framingham.

Appropriation
for magazine
at state camp-
ground.

Approved March 29, 1877.

RESOLVE CONCERNING THE DUXBURY AND COHASSET RAILROAD COMPANY.

Chap. 32.

Resolved, That the petition of Henry W. Nelson, representing the railroad committee of the town of Marshfield, for an investigation and relief under the present management of the Duxbury and Cohasset Railroad, be referred to the board of railroad commissioners with the instruction to investigate the case and report the result to the parties interested; and also to report to the next general court stating what further legislative action, if any, may in their judgment be necessary in the premises.

Railroad com-
missioners to
investigate and
report.

Approved April 6, 1877.

RESOLVE PROVIDING FOR THE PRINTING OF THE NEW CATALOGUE OF THE STATE LIBRARY.

Chap. 33.

Resolved, That the librarian of the state library be authorized, on or after the first day of July of the present year, to cause to be printed seven hundred and fifty copies

Appropriation
for printing
catalogue of
state library.

of the new catalogue of the Massachusetts state library ; the general edition to be in one volume ; and that a sum not exceeding four thousand five hundred dollars be appropriated and paid out of the treasury for the above purpose.

Approved April 6, 1877.

Chap. 34. RESOLVE IN FAVOR OF THE STATE INDUSTRIAL SCHOOL FOR GIRLS AT LANCASTER.

In favor of
industrial school
for girls.

Resolved, That there be allowed and paid out of the treasury the sum of fifteen hundred dollars, for suitably repairing, fitting and furnishing the chapel upon the grounds of the State Industrial School for Girls, at Lancaster ; this amount to be expended under the direction of the trustees of said school.

Approved April 6, 1877.

Chap. 35.

RESOLVE IN FAVOR OF LEWIS GAUL.

Allowance to
Lewis Gaul.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lewis Gaul, the sum of one hundred and ten dollars for transportation of company B. second battalion of infantry from New Bedford to Boston, and return, to attend the funeral of the late Henry Wilson.

Approved April 6, 1877.

Chap. 36. RESOLVE TO PROVIDE FOR THE PAYMENT FROM THE TREASURY OF CERTAIN EDUCATIONAL EXPENSES.

Allowance for
certain educa-
tional expenses.

Resolved, That there be allowed and paid from the treasury of the Commonwealth the following sums, viz :— For expenses incurred in the support of the state normal schools, including the normal art school, during the year eighteen hundred and seventy-six, a sum not exceeding eight thousand three hundred and three dollars and twenty-eight cents ; and for the Massachusetts Teachers' Association for the same year, three hundred dollars.

Approved April 10, 1877.

Chap. 37. RESOLVE IN RELATION TO THE HARBOR LINE ON THE NORTHERLY SIDE OF CHARLES RIVER.

Harbor commis-
sioners to inves-
tigate and report
concerning har-
bor line on
northerly side of
Charles River.

Resolved, That the board of harbor commissioners inquire and report to the next legislature whether the harbor line on the northerly side of Charles River, as established by the third section of chapter two hundred and sixty-three of the acts of the year eighteen hundred and seventy-three, is in violation of the rights of any person ; and, if in the judgment of the commissioners such line should be changed, that they proceed to pre-

scribe a new harbor line on the northerly side of said river, and to report their doings to the legislature in their next annual report, as now provided by law.

Approved April 10, 1877.

RESOLVES PROVIDING FOR THE PRINTING, BINDING AND DISTRIBUTION OF ADDITIONAL COPIES OF THE DECENNIAL CENSUS AND STATISTICS OF INDUSTRY.

Chap. 38.

Resolved, That there be printed and bound one thousand additional copies of volumes one, two and three of the Decennial Census and Statistics of Industry of the Commonwealth for the year eighteen hundred and seventy-five; said volumes being designated as follows: Volume one, population and social statistics; volume two, manufactures and occupations; and volume three, agricultural products and property: *provided*, that this edition shall be printed in all respects in the same style as the edition printed under authority of chapter forty-eight of the resolves of the year eighteen hundred and seventy-six, and upon paper of the same quality.

Additional copies of census and statistics of industry to be printed.

Resolved, That said one thousand copies be delivered by the state printers to the sergeant-at-arms, to be distributed as follows:—One copy to each member of the council, senate and house of representatives who is not entitled to any copies by virtue of the resolves of the year eighteen hundred and seventy-six, chapter forty-eight; and the residue of said one thousand volumes to the secretary of the Commonwealth for future distribution.

Distribution.

Resolved, That there be printed and bound two thousand copies of a compendium, in one volume, of the said Decennial Census and Statistics of Industry, which compendium shall be deposited in the office of the bureau of statistics of labor for distribution.

Compendium to be printed in one volume.

Resolved, That so much of the last resolve of chapter forty-eight of the resolves of the year eighteen hundred and seventy-six as provides for the appropriation of a certain number of copies of the edition therein authorized for the use of the members of the last legislature, is hereby repealed, and the copies now on hand in the office of the bureau of statistics of labor shall be held hereafter for general distribution.

Repeal.

Approved April 11, 1877.

RESOLVE IN RELATION TO THE FENCING OF RAILROADS.

Chap. 39.

Resolved, That the board of railroad commissioners be instructed to consider whether any further legislation is

Commissioners to consider and report concern-

ing fencing rail-
roads.

necessary for the protection of the public, in regard to fencing railroads within the limits of this state, and to make report thereon to the next general court.

Approved April 11, 1877.

Chap. 40.

In favor of State
Primary School
at Monson.

RESOLVE IN FAVOR OF THE STATE PRIMARY SCHOOL AT MONSON.

Resolved, That there be allowed and paid out of the treasury a sum not exceeding five thousand dollars, to be expended by the inspectors of the state primary school at Monson, as follows:—

Three thousand dollars thereof for necessary clothing and bedding for the inmates of said school, and two thousand dollars thereof for necessary repairs and alterations on the buildings and premises.

Approved April 11, 1877.

Chap. 41.

Claims of Mass.
against U. S. for
coast defence.

RESOLVES RELATIVE TO MASSACHUSETTS CLAIMS AGAINST THE UNITED STATES, FOR COAST DEFENCE.

Resolved, That the members of congress from this Commonwealth be and they are hereby requested to use their best exertions to procure from the general government an appropriation, to pay the amount due to Massachusetts for disbursements for coast defence, made during the late war.

Resolved, That a copy of these resolves be transmitted by the secretary of the Commonwealth to each of our senators and representatives in congress.

Approved April 11, 1877.

Chap. 42.

To have quar-
ters in Pember-
ton Square
building.

RESOLVE GRANTING QUARTERS IN PEMBERTON SQUARE TO THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Resolved, That the sergeant-at-arms be authorized to furnish suitable quarters to the Disabled Soldiers' Employment Bureau, in the Pemberton Square building leased by the state.

Approved April 11, 1877.

Chap. 43.

Allowance to
William R. Fish.

RESOLVE IN FAVOR OF WILLIAM R. FISH.

Resolved, That there be allowed and paid out of the treasury the sum of four hundred and eighty dollars and seventy-one cents, to William R. Fish, for compensation for an educational map of Massachusetts prepared for exhibit at Philadelphia.

Approved April 11, 1877.

Chap. 44.

Allowance to
Jane Parks.

RESOLVE IN FAVOR OF JANE PARKS.

Resolved, That, during the period of three years, from the first day of January in the year eighteen hundred and

seventy-seven, an annuity of two hundred dollars per annum, in equal quarterly payments, shall be paid out of the treasury to Jane Parks, of Cambridge, widow of the late James Parks.

Approved April 11, 1877.

RESOLVE IN FAVOR OF JAMES BURKE, OF TURNER'S FALLS.

Chap. 45.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James Burke, of Turner's Falls, an annuity of one hundred dollars for the term of five years, for injuries sustained by him at the Hoosac Tunnel while in the employ of the Commonwealth.

Allowance to
James Burke.

Approved April 11, 1877.

RESOLVE IN FAVOR OF PHILIP MACKEY.

Chap. 46.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Philip Mackey, of North Adams, an annuity of one hundred dollars, for the term of three years, for injuries received in the Hoosac Tunnel, while in the employment of the Commonwealth.

Allowance to
Philip Mackey.

Approved April 11, 1877.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOLS AT FRAMINGHAM, SALEM AND WESTFIELD.

Chap. 47.

Resolved, That there be allowed and paid out of the treasury, the following sums expended and to be expended under the direction of the board of education, to wit:—

In favor of State
Normal Schools.

For heating apparatus in the boarding hall, for painting and repairs upon the buildings and improvement of the grounds, and for exchange of the piano for the school room, of the Framingham Normal School, a sum not exceeding thirteen hundred and twenty-five dollars.

For desks and other furniture and painting for an additional school room, for exchange of a piano, and for an iron fence on the south and west sides of the school house lot, and for grading, at the Salem Normal School, a sum not exceeding nine hundred and seventy-nine dollars and fifty-six cents.

For painting the normal school building and surrounding fence, at Westfield, for refitting kitchen and laundry apparatus and plumbing in the boarding house, and for sidewalks, a sum not exceeding thirteen hundred and nine dollars and ninety-seven cents.

Approved April 17, 1877.

Chap. 48. RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Soldiers'
Employment
Bureau.

Resolved, That there be allowed and paid out of the treasury, the sum of three thousand dollars to the Disabled Soldiers' Employment Bureau. *Approved April 17, 1877.*

Chap. 49. RESOLVE IN FAVOR OF PATRICK MIHAN.

Allowance to
Patrick Mihan.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Patrick Mihan, the sum of seven hundred and twenty-eight dollars and seventy-six cents, in compensation for work done on the state house.

Approved April 20, 1877.

Chap. 50. RESOLVE IN FAVOR OF SAMUEL HILLMAN, OF ADAMS.

Allowance to
Samuel Hill-
man.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Samuel Hillman, of Adams, an annuity of one hundred and twenty-five dollars for the term of five years, for injuries sustained while employed at the Hoosac Tunnel; the cause of said injury being an explosion of glycerine which had been carelessly left there by employes of the state.

Approved April 20, 1877.

Chap. 51. RESOLVES RELATING TO THE CELEBRATION OF THE CENTENNIAL ANNIVERSARY OF THE BATTLE OF BENNINGTON, AND IN AID OF ERECTING A MONUMENT IN COMMEMORATION OF THE SAME.

Centennial
anniversary
of the battle
of Bennington.

Resolved, That the legislature of Massachusetts accepts the invitation of the governor of Vermont, transmitted by direction of the legislature of the state, to unite with the states of Vermont and New Hampshire in commemorating the centennial anniversary of the battle of Bennington, on the sixteenth of August next.

Allowance in
aid of erection
of monument.

Resolved, That a sum not exceeding seven thousand five hundred dollars be allowed and paid out of the treasury in aid of the erection of a monument in commemoration of the battle of Bennington, to be paid to the treasurer of the Bennington Battle Monument Association, a corporation established under the laws of Vermont, at such times and in such sums as his excellency the governor may direct: *provided*, that no part of such sum shall be paid until the plans of said monument shall be approved by the governor, and until he shall be satisfied that funds are provided from other sources, including the sum herein appropriated, sufficient to complete the monument according to the plans approved by him. *Approved April 26, 1877.*

RESOLVES CONCERNING THE AMENDMENT TO THE CONSTITUTION RELATIVE TO CERTAIN OFFICERS OF HARVARD COLLEGE. *Chap. 52.*

Resolved, That the following article of amendment of the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption :—

Proposed amendment to the constitution to be submitted to the people.

ARTICLE OF AMENDMENT.

So much of article two of chapter six of the constitution of this Commonwealth as relates to persons holding the office of president, professor or instructor of Harvard College, is hereby annulled ; and such persons shall be eligible to seats in the senate and house of representatives.

Resolved, That the people shall be assembled for the purpose aforesaid in their respective cities and towns, in meetings to be legally warned and held on Tuesday the sixth day of November next, at which meetings all the inhabitants qualified to vote for senators and representatives in the general court may give in their votes, by ballot, for or against said article of amendment ; and the same officers shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall in open meeting receive, sort, count and declare the votes of such inhabitants for and against the same ; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out, under the hands of the mayor and aldermen of the several cities and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up and delivered to the sheriff of the county within three days after the said meetings, to be by him transmitted to the office of the secretary of the Commonwealth within seven days after receiving the same ; or the said mayors and aldermen and selectmen, respectively, shall themselves transmit the same to the said office within ten days after the said meetings : *provided*, that in the several cities the meetings held under this resolve shall be conducted according to the provisions of the acts establishing the same and of the several acts in addition thereto.

Meetings of voters.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment

To vote "yes" or "no" on amendment.

without expressing in his ballot the contents of said article; but the form of said ballot shall be as follows: "Amendment to the Constitution, Yes" or "No." And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Governor and council to examine the votes.

Resolved, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment, and deposited in the secretary's office, as a part of the constitution of this Commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of this Commonwealth printed by public authority.

Governor to issue proclamation if amendment has been adopted or not.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment and announcing that said article has been duly adopted and ratified by the people of this Commonwealth, and has become a part of the constitution thereof, and requiring all magistrates and officers and all citizens of the said Commonwealth to take notice thereof and govern themselves accordingly; or that the said article of amendment has been rejected, as the case may be.

Secretary to furnish blanks.

Resolved, That a printed copy of these resolves, including the said article of amendment and blank forms of the returns of votes on said article, shall be transmitted as soon as may be by the secretary of the Commonwealth, to the mayors and aldermen of the several cities and the selectmen of the several towns of this Commonwealth.

Approved April 26, 1877.

Chap. 53. RESOLVE IN FAVOR OF COMPANIES A. AND D. OF THE FIRST BATTALION OF CAVALRY.

Allowance for mileage.

Resolved, That a sum not exceeding four hundred and eighty-seven dollars be allowed and paid out of the treasury to companies A. and D. of the first battalion of cavalry, Massachusetts volunteer militia, for mileage to and from

camp, in the years eighteen hundred and seventy-four and eighteen hundred and seventy-five; and said sum is hereby appropriated.

Approved April 26, 1877.

RESOLVE RE-IMBURSING SUNDRY CITIES AND TOWNS FOR PAYMENTS
MADE ON ACCOUNT OF RENT OF ARMORIES.

Chap. 54.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the following cities and towns, the sums herein below set against their names, in reimbursement of payments made for rent of armories, to wit:—

Reimburse-
ments to towns
of payments
made for rent
of armories.

Ayer.—One hundred and fifty-one dollars and sixty cents.

Boston.—Seven thousand and eighty-one dollars and forty-four cents.

Cambridge.—Four hundred and fifty-four dollars and eighty cents.

Deerfield.—Sixty-five dollars and seventy cents.

Greenfield.—One hundred and seven dollars and fifteen cents.

Hudson.—Two hundred and two dollars.

Melrose.—Three hundred and forty-three dollars and forty cents.

Middleborough.—Eighty-eight dollars and forty-three cents.

Pittsfield.—One hundred and thirteen dollars and seventy cents.

Stockbridge.—One hundred and fifty-one dollars and sixty cents.

Shelburne.—Seventy-nine dollars and seventy-seven cents.

Worcester.—Eight hundred and forty-nine dollars and thirty-five cents.

Approved April 26, 1877.

RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A STOREHOUSE AT
THE STATE CAMP-GROUND, AND THE PURCHASE OF TENTS FOR THE
USE OF THE MILITIA.

Chap. 55.

Resolved, That the following sums be allowed and paid out of the treasury, and the same are hereby appropriated, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, to wit:—

Appropriation
for construction
of storehouse
and purchase
of tents.

For the construction of a building at the state camp-ground for the storage of the property of the militia, a sum not exceeding two thousand dollars.

For the purchase of tents for the use of the militia at the annual encampments, a sum not exceeding four thousand dollars.

Approved April 27, 1877.

- Chap. 56.* RESOLVE AUTHORIZING THE STATE BOARD OF HEALTH TO EXAMINE INTO THE POLLUTION OF SOURCES OF WATER-SUPPLY, AND REPORT THEREON.

Pollution of
sources of water
supply.

Resolved, That the state board of health be and they are hereby authorized to inquire what legislation is necessary to prevent the pollution of streams and ponds used as sources of water supply by cities and towns in the Commonwealth, with authority to make examinations, call witnesses, and to report, by bill or otherwise, to the next general court.

Approved April 27, 1877.

- Chap. 57.* RESOLVE RELATING TO THE INDEXING OF THE STATE ARCHIVES.

State archives
to be indexed.

Resolved, That the secretary of the Commonwealth cause to be completed the chronological index of the volumes of archives of the Commonwealth, numbered from one to two hundred and thirty-nine, inclusive, and that he be hereby authorized to employ for the performance of this work three additional clerks,—one at a salary not exceeding thirteen, and two at salaries not exceeding eight, hundred dollars each per annum.

Approved April 28, 1877.

- Chap. 58.* RESOLVE RELATING TO CERTAIN EMPLOYÉS IN THE ADJUTANT-GENERAL'S OFFICE.

Clerks in the
office of the
adjutant-gen-
eral.

Resolved, That from and after the first day of June of the present year the extra clerks in the office of the adjutant-general, other than persons who may be employed under chapter fifteen of the resolves of the year eighteen hundred and seventy-five, shall not exceed four in number, one of whom shall act as messenger at an annual salary not exceeding one thousand dollars.

Approved April 28, 1877.

- Chap. 59.* RESOLVE AUTHORIZING THE APPOINTMENT OF A COMMISSION TO INQUIRE INTO THE EXPEDIENCY OF REVISING THE SYSTEM OF ADMINISTRATION OF THE PUBLIC CHARITIES OF THIS COMMONWEALTH.

Commission
upon revision of
administration
of the public
charities.

Resolved, That the governor and council be and they are hereby authorized to appoint a commission, consisting of three persons, to sit during the recess of the legislature, with authority to call witnesses, to inquire into the

expediency of revising the system of administration of the public charities and reformatory institutions of the Commonwealth, and all the existing statutes in regard to pauperism, crime and insanity, with a view to secure greater simplicity, economy and efficiency, in said administration. Said commission shall submit its report in writing, with bill or bills if practicable, to the secretary of the Commonwealth, before or on the twentieth day of December next, on which day the commission shall expire. The secretary of the Commonwealth shall cause the report to be printed as a document of the public series, to be laid before the next general court, and a sufficient number of copies to be printed to allow the secretary to transmit one copy to each member of the present legislature, in addition to the distribution of such documents now prescribed by law.

Approved May 4, 1877.

RESOLVE PROVIDING FOR THE SUPERVISION OF STATISTICS.

Chap. 60.

Resolved, That the secretary of the Commonwealth, the secretaries of the boards of agriculture, of state charities, of education, and of health, and the chief of the bureau of statistics of labor, shall constitute a board of supervisors of statistics, to serve without pay.

Board of supervisors of statistics.

The governor, with the advice and consent of the council, shall at once, upon the passage of this resolve, appoint one of the members of said board as the chairman thereof, who shall have power to appoint a secretary.

The said board shall meet regularly at the state house at least once in each month, and whenever called together by the chairman.

The board shall have general supervision of all matters relating to the statistics to be gathered and reported by either of the departments represented on the board. Any investigation contemplated by either of said departments shall be reported to the board, for the purpose of harmonizing the work with that of any other department, before such investigation is made, and it shall be the duty of the board to direct all such investigations to be made in such manner as not to duplicate work, and that all presentations of facts be so made as to avoid complications; it shall also be the duty of the board to simplify and abridge, when it can be done without detriment, the statistical matter to be presented by any department represented, and when such matter is germane to that under the care

To have general supervision of all matters relating to statistics.

of another department shall see that such matters are consolidated and presented by one department only.

The board shall also devise a plan to be reported to the next legislature for securing uniform records in jails, prisons, asylums, and all penal and charitable institutions, that the fullest results from such sources may be realized.

The board shall also consider and report to the next general court a bill for securing more accurate and reliable original entries which form the basis of the registration reports.

The board shall also consider and report to the next general court upon the expediency of consolidating under the supervision of one department of statistics the work of all departments whose custom it is to present statistical matter, so far as it relates to statistics in any form.

A sum not exceeding five hundred dollars shall be allowed said board for annual contingent expenses.

Approved May 4, 1877.

Chap. 61. RESOLVES CONCERNING THE COMMONWEALTH FLATS AT SOUTH BOSTON.

Adoption of plan relating to reserved channel annulled.

Resolved, That the approval and adoption of the commissioners' plan which were obtained and secured by chapter eighty-one of the resolves of the year eighteen hundred and sixty-six, are, so far as relates to the reserved channel thereon laid down, hereby withdrawn and annulled, and the agents of the Commonwealth for the Commonwealth's flats at South Boston are hereby directed to omit said reserved channel, in the map to be prepared by them in accordance with the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five.

Rights of Commonwealth and of other parties to be determined by arbitration.

Resolved, That for the purpose of completing the purchase of flats authorized by chapter four hundred and forty-six of the acts of the year eighteen hundred and sixty-nine, the agents of the Commonwealth for the Commonwealth's flats at South Boston, with the approval of the governor and council, shall have full power to determine and settle, by agreement, arbitration or process of law, the relative rights and interests of the Commonwealth and all other parties, in and to and over said flats or any parts thereof, within the limits prescribed by said act; and with the approval of the governor and council, the said agents may make any contract which they think judi-

cious, with any of the adjacent or littoral owners in South Boston, for the purchase or exchange of lands or flats, and shall have full authority to release upon such terms and conditions as they shall deem fit, and convey by deed, with warranty or otherwise, to be duly executed by them in behalf of the Commonwealth, the right, title and interest of the Commonwealth in and to such portions of the said lands and flats as they may deem it proper to dispose of.

Resolved, That for the purposes specified in the preceding resolve, the sum of ten thousand dollars is hereby appropriated and placed at the disposal of the agents aforesaid; and the governor with the approval of the council may draw his warrants from time to time for such amounts, not exceeding in all the said sum of ten thousand dollars, as may be required for the purposes aforesaid: *provided*, that no part of this sum shall be paid to said agents until satisfactory evidence is furnished to the governor and council, that purchases, exchanges or contracts have been made by said agents, which shall finally settle and determine all questions and controversies, the settlement of which is provided for by the second of these resolves, for an aggregate amount not exceeding the sum herein appropriated.

Appropriation
of \$10,000.

Proviso.

Resolved, That the said agents may purchase or otherwise obtain material dredged from the harbor, or other material, to be dumped upon said flats, and may build such bulkheads as may be necessary to secure said material in place. And for this purpose the sum of two thousand dollars is hereby appropriated, to be paid from the treasury with the approval of the governor and council.

Material
dredged from
harbor may be
dumped upon
flats.

Appropriation.

Approved May 8, 1877.

RESOLVE CONCERNING THE "TROPHIES OF THE BATTLE OF BENNINGTON," NOW IN THE SENATE CHAMBER OF THE CAPITOL.

Chap. 62.

Resolved, That the trophies of the battle of Bennington, now in the senate chamber of the capitol, be transported to Bennington, Vermont, on the occasion of the approaching centennial celebration of that important event; and that for this purpose the adjutant-general be authorized to take charge of these cherished memorials; and that he be enjoined to use due care in transporting, preserving and returning them to their present place in this capitol.

Trophies may
be transported
to Vermont and
returned to the
senate chamber.

Approved May 9, 1877.

Chap. 63. RESOLVE IN RELATION TO THE ANTIETAM CEMETERY IN THE STATE OF MARYLAND.

Interest of state in Antietam cemetery to be transferred to United States.

Resolved, That the governor is hereby authorized and requested to transfer to the United States, the interest which Massachusetts has in the Antietam Cemetery, in the state of Maryland, whenever it shall appear to him that the fee and ownership of said cemetery are duly vested in the United States.

Approved May 11, 1877.

Chap. 64. RESOLVE IN RELATION TO THE CLAIM OF PARKER AND STEVENS FOR MASONRY-WORK, ON THE HOOSAC TUNNEL AND TROY AND GREENFIELD RAILROAD.

Allowance to Parker and Stevens.

Resolved, That there be allowed and paid to Parker and Stevens, such sum as the governor and council, having regard to the claims of other parties and after due investigation, shall find to be justly due them as a balance for masonry-work and material on the second division of the Hoosac Tunnel and Troy and Greenfield Railroad, and a sum not exceeding twelve thousand five hundred dollars is hereby appropriated therefor, the same to be in full settlement of their claim and to be paid only upon their receipt to that effect.

Approved May 16, 1877.

Chap. 65. RESOLVE IN FAVOR OF THE WORCESTER LUNATIC HOSPITAL.

Allowance for additional furniture.

Resolved, That the sum of thirty thousand dollars be allowed and paid out of the treasury, to the trustees of the Worcester Lunatic Hospital, for the purchase of such additional furniture for said hospital as may be required in consequence of the establishment of the temporary asylum for the chronic insane.

Approved May 16, 1877.

Chap. 66. RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Treasurer may borrow money in anticipation of revenue.

Resolved, That the treasurer and receiver-general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sum he may borrow under this resolve, as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Approved May 16, 1877.

RESOLVE PROVIDING FOR REPAIRS ON THE STATE HOUSE.

Chap. 67.

Resolved, That there be allowed and paid out of the treasury, a sum not exceeding two thousand eight hundred dollars, for repairs and improvements on the state house, to be expended by the sergeant-at-arms, under the direction and with the approval of the commissioners on the state house; and the same is hereby appropriated.

Appropriation
for repairs on
state house.

Approved May 16, 1877.

RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 68.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five thousand dollars, one-half of which sum shall be expended under the direction of the trustees of the Massachusetts Agricultural College, for the payment of the current expenses of the institution for the present year, and one-half of the same shall be paid, under the direction of said trustees, for manual labor which students may perform who are residents of the Commonwealth; but no student shall be paid more than one hundred dollars during one year.

Allowance of
\$5,000.

Approved May 16, 1877.

RESOLVE IN RELATION TO THE STATE PRINTING.

Chap. 69.

Resolved, That the chairman of the committee on printing of the senate, and the chairman of the committee on printing of the house of representatives, the auditor, secretary, and treasurer of the Commonwealth, the clerk of the senate, and the clerk of the house of representatives, be and they are hereby directed to advertise for proposals for the execution of all the printing for the several departments of the government, for a term of five years from the first day of July, in the year eighteen hundred and seventy-seven, and to contract for the same at such rates as said officers shall decide to be for the best interest of the Commonwealth: *provided, however*, that the contract shall be given to the lowest bidder therefor, who shall upon investigation appear to the committee to possess the proper facilities for the satisfactory execution of the work. Said contract shall be subject to all the restrictions contained in the existing contract with the state printers; and bonds satisfactory to the above named officers, to the amount of not less than ten thousand dollars, shall be given, by the parties to whom the contract shall be awarded, for the faithful performance of their contract.

Contract to be
made for the
state printing,
for a term of five
years.

Approved May 16, 1877.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed Article of Amendment to the Constitution of this Commonwealth, has been officially certified and deposited in the Secretary's Department, as required by chapter 156 of the Acts of 1865, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection :—

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION
TO PERMIT THE DIVISION OF TOWNS INTO ELECTION DISTRICTS.

Resolved, By both houses, the same being agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, that it is expedient to alter the constitution of this Commonwealth by adopting the subjoined article of amendment; and that the same as thus agreed to, be entered on the journals of both houses with the yeas and nays taken thereon, and referred to the general court next to be chosen, and that the same be published, to the end that if agreed to by the general court next to be chosen, in the manner provided by the constitution, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of this Commonwealth.

ARTICLE OF AMENDMENT.

The general court shall have full power to divide any town into election districts, and prescribe the manner of calling and holding public meetings of the legal voters of such town, in such districts, for the election of officers under the constitution, and the manner of receiving and returning the votes given at such elections.

HOUSE OF REPRESENTATIVES, March 15, 1877. The foregoing Article of Amendment is agreed to, two-thirds of the members present and voting thereon having voted in the affirmative, and the same is referred to the general court next to be chosen.

JOHN D. LONG, *Speaker*.

SENATE, March 22, 1877. The foregoing Article of Amendment is agreed to, a majority of the members of the Senate present and voting thereon having voted in the affirmative, and the same is referred, in concurrence, to the general court next to be chosen.

JOHN B. D. COGSWELL, *President*.

THE General Court of 1877, during its annual session, passed two hundred and fifty-two Acts and sixty-nine Resolves, which received the approval of His Excellency the Governor. In addition to these, three Acts, entitled respectively, "An Act in relation to the sale of Intoxicating Liquors," "An Act to further define the policy of the Commonwealth in regard to the Hoosac Tunnel and the Troy and Greenfield Railroad," and "An Act authorizing the appointment of Trustees for the State Lunatic Hospital at Danvers," were laid before the Governor, for his approval, and were returned by him to the Senate in which they originated, with his objections thereto. The Senate proceeded to reconsider the same agreeably to the provisions of the Constitution, and the vote being taken on passing each of said Acts, the objections of the Governor to the contrary notwithstanding, the same were rejected, two-thirds of the members present and voting thereon not having voted in the affirmative.

The Acts of the present session may be classified as follows: Acts of a public character, two hundred and seventeen. Acts relating strictly to private property, persons or corporations, thirty-five.

The General Court of 1877 was prorogued on Thursday, May 17, the session having occupied one hundred and thirty-five days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY ALEXANDER H. RICE.

At twelve and a half o'clock on Thursday, the fourth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following—

ADDRESS.

*Gentlemen of the Senate and of
the House of Representatives:*

Our fellow-citizens of the Commonwealth, with gratifying confidence, have committed to our care the legislative and executive duties of their government during the year upon which we have just now entered. In the Declaration of Rights of the inhabitants of Massachusetts, it is declared that government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and that they have the right to reform and alter the same whenever change is required, in order to secure these paramount objects.

The principle thus enunciated in our fundamental law, seems also to indicate, in the sphere of legislation, its proper objects, and the spirit in which it ought to be conducted.

Empowered as the chosen representatives of the people, with authority to supervise and alter the statutes, and to make provision for the safe and suitable administration of the institutions and policy of the Commonwealth, no higher incentive to a loyal discharge of that duty can be needed than such as arises from a just appreciation of the dignity of that trust, and from a manly sense of public accountability.

A beneficent Providence has blessed us with the gifts and immunities which characterize an enlightened and prosperous community; our institutions are preserved in their integrity; the credit of the State remains unsullied; the courage and loyalty of the people are unquestioned; and hallowed memories and heroic examples inspire our efforts and shed the light of a noble patriotism upon the pathway before us. Under these favoring conditions, and assured of your generous coöperation in all measures that will promote the general welfare, I proceed to discharge my immediate duty by laying before you whatever information is at command relating to the several departments of the Commonwealth. And first in order, I invite your attention to its—

MATTERS OF FINANCE.

The financial condition of the State is in many respects encouraging and gratifying. The great depression in the industries and general business of the country has admonished us that States, like individuals, must observe that economy in expenditure which shall be fully covered by some form of income, in order to meet maturing obligations and preserve the public credit; and when the income is derived largely from taxation, both public and private interest demand, in times like these, that the burden shall not be needlessly heavy. While there is nothing in the present or prospective condition of the Commonwealth which either demands or would justify any abridgment of the elements of her civilization and progress, or the adoption of a niggardly policy in matters of administration, yet we shall doubtless agree that any extraordinary outlays shall be deferred until returning business prosperity shall give larger increase to private incomes. The bonds of the State are a favorite form of investment to capitalists, selling always at a handsome premium, and

the sinking funds and other securities will be amply sufficient to cover its loans. No new enterprises of a costly nature have been undertaken during the past year, and those in progress are for the most part so far completed as to require only limited appropriations.

Neither have any temporary loans been required to meet the demands of the treasury, the receipts from revenue and other sources having been ample for all purposes. Should no new emergencies arise to demand increased expenditure and consequent loans, the decreasing debt will carry a corresponding reduction in the interest account, now exceeding a million and a half of dollars annually, and payable from the ordinary revenues of the State. It is a source of satisfaction that vigilant obedience to the tendency of the times, both in legislation and administration, has improved the monetary interests of the State, and inaugurated a substantial decrease in its ordinary expenses.

The amount and character of the public debt, January 1, 1877, may be stated as follows:—

Amount outstanding January 1, 1876, . . . \$33,886,464 00

Negotiated during the year:—

| | | |
|--------------------------------|--------------|--------------|
| Worcester Hospital loan, . . . | \$350,000 00 | |
| Danvers Hospital loan, . . . | 450,000 00 | |
| Harbor Improvement loan, . . . | 300,000 00 | |
| | <hr/> | 1,100,000 00 |

| | | |
|------------------|--|-----------------|
| Total, | | \$34,986,464 00 |
|------------------|--|-----------------|

Paid during the year:—

| | | |
|--|--|--------------|
| Union Fund loan of 1861 (final), . . . | | 1,436,000 00 |
|--|--|--------------|

| | | |
|---|--|-----------------|
| Aggregate funded debt, January 1, 1877, . . . | | \$33,550,464 00 |
|---|--|-----------------|

Classified as follows:—

| | | |
|---------------------------|-----------------|-----------------|
| Railroad loans, | \$17,768,996 00 | |
| War loans, | 11,068,188 00 | |
| Ordinary loans, | 4,713,280 00 | |
| | <hr/> | \$33,550,464 00 |

| | | |
|--|--|--------------|
| Net reduction of debt in 1876, | | \$336,000 00 |
|--|--|--------------|

Of the total funded debt now outstanding, the sum of \$20,495,464 is in sterling; and the remainder, \$13,055,000 in dollar bonds, those issued in 1876 being in the latter classification.

The loans which mature during the current year are the Norwich and Worcester Railroad loan of \$400,000 ; a portion of the Union Fund loan of 1862, amounting to \$400,000 ; and the last instalment of \$50,000 of the Northampton Lunatic Hospital loan of 1857. The redemption of these loans is fully provided for by the sinking funds and other means applicable thereto.

The reduction of the ordinary expenses of the government contemplated by the legislation of 1876 will show very satisfactory results, although the operation of some of the statutes looking in that direction did not take effect till the year was somewhat advanced. With their full application from the present time, the estimates for 1877 may be stated as follows :—

| | |
|---|----------------|
| Ordinary and exceptional payments from revenue, | \$4,771,300 00 |
| Ordinary revenue of the year, including cash on that account in the treasury, | \$4,006,123 00 |

From these estimates, it will be seen that a state tax of \$1,200,000 to \$1,400,000 will be required to meet the probable deficit, and furnish the treasury with sufficient means for its accruing wants, in anticipation of the revenues of 1878. With a state tax thus reduced by more than a million of dollars below the average for the last fifteen years, many of which were burdened with heavy and extraordinary expenditures, the financial necessities of the year will be comparatively light, unless increased by special legislative grants.

VALUATION AND TAXATION.

The decline in business prosperity, so generally experienced throughout the country, shows its effect upon both real and personal property in this, as in other States, and the result indicates, for the first time in many years, a considerable loss compared with the valuation of the preceding year. This loss is, no doubt, in some respects, more apparent than real, and the contrast is made stronger by the fictitious valuation of some previous years ; yet, as that valuation was made the basis of taxation, and assumed as the property resources of the people of the State, the apparent decline must be viewed and treated in the same

relations in estimating our future expenditures and present resources. The following table indicates the great changes which have taken place in the last six years :—

| Year. | ESTATE. | Total Valuation. | Gain or Loss. |
|---------|----------------------|------------------|----------------|
| 1871, . | Real and personal, . | \$1,496,678,258 | — |
| 1872, . | Real and personal, . | 1,696,599,969 | \$199,921,711* |
| 1873, . | Real and personal, . | 1,763,429,990 | 66,830,021* |
| 1874, . | Real and personal, . | 1,831,601,165 | 68,171,175* |
| 1875, . | Real and personal, . | 1,840,732,706 | 9,131,541* |
| 1876, . | Real and personal, . | 1,769,433,514 | 71,299,192† |

* Gain.

† Loss.

This shows a total loss, in 1876, as compared with the previous year, of more than seventy-one millions of dollars; while in the year 1872, the same descriptions of property advanced within a fraction of two hundred millions, and by an average of about sixty-seven millions in each of the two following years.

The loss of the past year, therefore, is nearly equivalent to the gain of the two preceding years, and places the present valuation substantially where it was in 1873.

Of this loss of more than seventy-one millions of dollars in 1876, \$48,888,955 is chargeable to depreciation of real estate, and \$22,410,237 to depreciation of personal property.

If we carry the analysis one step farther, we find that sixty-six millions are chargeable to depreciation of property held in the cities, which have gradually become the centres of manufacturing industry as well as of traffic. This depreciation may therefore the more readily and certainly be assigned to the depression of business, and its revival may reasonably be expected to bring a corresponding appreciation and recovery.

In my former address to the General Court, in January last, I called special attention to the fact that the important increase in our public expenses, and consequently in the burden of taxation, was chargeable to the counties, cities and towns, rather than to extravagance in conducting the affairs of the Commonwealth, as shown by the relative increase of the respective classes of debt; and also to the

recent salutary legislation for limiting municipal indebtedness. It is gratifying to note that the people appear to have rightly apprehended the lesson taught both by the increase of expenses and by the depreciation of real and personal property; and the returns of the last year give promising indication of a growing economy in the amount of municipal expenses, which, in some degree, compensates for the losses in valuation. The aggregate of these expenses in 1875 was \$27,712,396, and in 1876 the aggregate was \$24,800,742, showing a decrease of \$2,915,867, or upwards of ten per cent.

There is no reason to doubt that the property exhibit and the industrial prosperity of Massachusetts will compare favorably with those of any of the older States of the Union under a corresponding statement; and the sales of real estate which have taken place during the past few months give hope that the minimum of depreciation has been reached, and that we are already on the ascending plane of recuperation and increase.

SAVINGS BANKS.

The reports of the Savings Banks for the year ending October 31, 1876, show a small increase in the amount on deposit, including dividends credited to the deposit account; and for the first time in eleven years, a slight excess of withdrawals over the amount deposited during the year. The following is the official statement:—

| | |
|--|------------------|
| The total amount of deposit account in 1876, | |
| was | \$243,340,732 66 |
| The total amount of deposit account in 1875, | |
| was | 237,848,963 21 |
| Increase in 1876, | \$5,491,769 45 |
| The total amount withdrawn, including dividends in 1876, was | \$52,120,524 02 |
| The total amount deposited in 1876, was | 49,776,771 08 |
| Excess of withdrawals over deposits in 1876, | \$2,343,752 94 |

The Act of 1876, revising previous legislation relating to these institutions, did not take effect until the first of October; and sufficient time has not yet elapsed to test its workings by experience.

The management of the Savings Banks is more than usually conservative, and those to whose charge they are intrusted have full confidence in their soundness.

THE DECENNIAL CENSUS.

The decennial census of voters provided for by the Constitution, and that of the people and industries provided for by statute, for the year 1875, was completed within the time prescribed; the apportionment of senators and representatives was made according to requirement, and now the results of the entire census have been given to the public.

The system adopted for the enumeration of 1875, sought to secure information regarding all conditions of the people, and all facts relating to their productions. The feature that distinguished the recent from all preceding enumerations, is, that written replies to printed questions on properly prepared blanks, were required from the inhabitants; hitherto questions have been proposed and answered verbally. The advantages of this new method have proved to be exceedingly important, and the disadvantages no greater than under the old system.

The success of this system gives evidence of the intelligence and patriotism of the inhabitants of the Commonwealth, in furthering the efforts of the government to learn their exact condition and resources; and has furnished a mass of facts which, properly classified and presented, forms a fitting contribution to the science which underlies all wise legislation, and supplies a clear and intelligent analysis of what constitutes the social, civil and industrial elements of the State at the close of the first century of national life.

It is gratifying to learn that the population has increased from 1,267,030 in 1865 to 1,651,912 in 1875, a gain of 30.38 per cent.; while the productions of the State, on a gold basis, have grown from \$315,715,877 in 1865 to \$571,319,165 in 1875, an advance of \$255,603,288, or little less than 80 per cent.

The census developed the necessity of more uniformity in the general statistics of the State, and in the methods of keeping the records of public institutions. A central control of all statistical matters would secure simplification, avoid the duplication of work which now exists in

some instances, and ensure uniformity and intimacy of connection in the presentation of facts by the several departments whose custom it is to report statistical information.

INSURANCE.

The opportunity to obtain statistics of great value to insurers and insured, afforded by the taking of the decennial census, was availed of by the Insurance department. The manufacturing statistics thus obtained have been classified with special reference to the business of insurance, and the same will be found in the forthcoming report of the Commissioner. In the same connection will be given a schedule of all the fires which have occurred in the State during the year. It appears from the returns last made to the Insurance department, that the outstanding insurance upon property, real and personal, in this State, amounts to more than \$800,000,000. Of this amount, the stock and mutual companies of this State carry \$450,000,000, while \$350,000,000 is carried by companies of other States and countries. The annual cash premiums are about \$7,000,000; and the amount paid for losses by fire, for the past three years has averaged about 45 per cent. of the gross premiums. One hundred and thirty-seven companies of other States and countries are now duly authorized to transact business in this State, having an aggregate capital of \$50,000,000. Seven hundred and fifty-three bonds of agents of companies have been examined and approved by the Commissioner during the year, as the law now requires. The cash capital of our home companies amounts to \$8,324,200.

By the provisions of chapter 83 of the Acts of 1876, it is made the duty of the Insurance Commissioner to examine annually the accounts of all receivers of insurance companies appointed by the Supreme Judicial Court; and in conformity thereto these accounts, twenty-nine in number, have been carefully examined, and the details will appear in his annual report.

In the department of Life Insurance, the valuation of the old policies of all the companies doing business in the State is nearly completed. By a recent decision of the Supreme Judicial Court, companies of other States doing business in Massachusetts are held to be subject to the provisions of chapter 186 of the Acts of 1861, known as

the non-forfeiture law; and this decision will probably cause a considerable increase in the work of this department. The full opinion of the Court not yet having been sent down, the Commissioner has not been able to determine the liabilities of the companies with the exactness which is necessary before work can be commenced. It may be proper to remark that this interpretation of the statutes is not in accordance with the opinion heretofore generally held respecting the application of the law; and if it be contrary to the intent of the General Court, further legislation seems necessary to remove imperfections in the laws previously enacted.

HEALTH AND VITAL STATISTICS.

The reports of the State Board of Health present a mass of sanitary information of the highest interest and value, and the labors of the Board in disseminating information respecting the health of individuals and towns, have been effective in preventing and abating many nuisances under the law relating to noxious and offensive trades, passed in 1871. The character and value of their reports are so well established, that other States are imitating the example of our own in this department of our civil economy. The reports are sought for by sanitarians in all parts of this country and of Europe, where they are regarded as high authority.

The law relating to the registration of vital statistics seems to be but imperfectly observed,—physicians, clerks of towns and undertakers being so delinquent in their returns from some of the towns, as greatly to impair the usefulness of the entire system. It is believed that if the supervision of such registration were given to the Board of Health, with sufficient power to enforce its observance, better results would be obtained, especially if local town boards of health should be required by law to be established in every town, with close relations and correspondence with the state board.

The Registration of Diseases is another subject to which I would invite your attention, as one of the most difficult of problems, but one of great and growing importance. If almshouses, hospitals, dispensaries and schools were required to report the number on the sick-list each week to the superintendent of vital statistics, such records would

go a great way towards informing the authorities at the earliest date when certain diseases are beginning to prevail, so that epidemics and other forms of dangerous sickness could in many cases be crushed out at their origin. Some plan should also be provided by law for preventing the attendance at school of children who have been subjected to infectious influences which they would be liable to convey to other children, and through these to the people at large.

METRIC SYSTEM.

Article 1, section 8 of the Constitution of the United States, authorizes Congress to fix the standard of weights and measures; and sundry statutes and resolves of that body, passed in July, 1866, and at subsequent dates, authorize the use of the metric system, and provide for furnishing each State in the Union with one set of the standard weights and measures of that system, and for their use in the custom-houses and post-offices of the United States. The advantages which this system offers in saving of time and labor in the transaction of business, and the convenience its use would afford in matters of international exchanges, if universally adopted, are beginning to attract attention in the most enlightened countries of the world.

The Statutes of Massachusetts (chap. 51, sect. 1) prescribe what weights and measures only shall be lawful in this Commonwealth, and do not include the metric system. It is therefore thought expedient to inquire whether our statutes are in conflict with the National Constitution or laws, and whether the metric system should not be included in the weights and measures which are prescribed by our statutes to be lawful.

JUDICIAL SYSTEM OF THE STATE.

The Commission appointed under chapter 43 of the Resolves of 1876, to inquire into the expediency of revising the judicial system of the State, are of opinion that, owing to diversity of character and density of the population in different parts of the State, a uniform system of inferior courts cannot wisely be applied to the whole Commonwealth; and that police or district courts, wherever they can be established without imposing upon the several

counties an amount of expense disproportionate to the work to be accomplished, are more valuable tribunals than justices of the peace or trial justices. They have, therefore, determined upon a report which deals with the existing system in a manner intended to distribute the business of the courts more equally than it is now distributed, by increasing the jurisdiction of the lower courts, discouraging frivolous and vexatious appeals therefrom, and by giving jurisdiction to the Superior Court in certain matters which are now cognizable by the Supreme Judicial Court,—the purpose being to relieve the Supreme Judicial Court, now severely tasked, and compensating the Superior Court for the new work put upon it, by causing a large number of small cases, such as now come into that court, to be ended in the inferior courts.

The Commission also reports recommendations designed to cure evils arising from the commissioning of too many justices of the peace; from abuse of the trustee process; from the infrequency of return days for process in the Superior and Supreme Judicial courts, and suggestions with regard to other minor matters which are within the purview of the Resolve.

CORONERS.

I desire to call your attention to some needed changes in the statute respecting the appointment and the powers and duties of coroners. At present, the number who may be appointed is unlimited, and has been extended far beyond reason or necessity, and has sometimes included persons incompetent and unfit for the legitimate duties of that office.

In London, there are but four coroners; in New York, four, and four assistants. In Brooklyn, Philadelphia, New Orleans and Chicago, two each; in Baltimore, Washington, Cincinnati and San Francisco, one each, making a total of twenty-four; while in Boston alone there are forty-three, and in Suffolk County forty-seven. The powers and duties vested in coroners are highly important, and their abuse frequent and dangerous. They embrace both the functions of physician and judge, and it is said that even the verdicts of juries are sometimes framed by the coroner himself. No process of removal of an unfit coroner now exists, excepting by address of both

houses of the Legislature to the Governor and Council, and this is impossible during a large portion of the year.

THE STATE CHARITIES.

In a Commonwealth like ours, under the influences and exposed to the evils as well as to the advantages of modern civilization, the public charities, the correction of vice, and the punishment of crime must necessarily call for large expenditures of money, and for continual vigilance, diligence and foresight in the administration of our charitable and correctional systems. Of the revenues annually expended by the Commonwealth (after deducting one-fifth, which goes to pay interest on the public debt, and the charges thence accruing), it will be found that nearly a quarter part is paid in public charity or for the execution of the penal laws and the maintenance of prisons. Few persons are aware of the full extent of this department of the State Government, or of the manifold interests which it includes and provides for. Massachusetts supports asylums for the blind, the insane, the deaf-mute, the idiotic, the inebriate; schools for the young of these classes, for paupers, and for juvenile delinquents; prisons of three or four grades; hospitals for most maladies; almshouses, public and private, and charitable societies of every kind. We have two distinct systems of public relief for the poor: one administered by the State in six or seven establishments, containing hundreds of inmates, the other administered by three hundred and forty-two cities and towns, in two hundred and twenty almshouses, and in thousands of private families where the poor are supported or aided. The aggregate outlay for public and private charity is very large, amounting to *four and a half millions* of dollars paid during the year 1876. Less than a third part of this amount is paid from the state treasury; but something more than a third part is paid by the cities and towns, and over all the public expenditure the state authorities exercise some supervision.

All the charitable and reformatory schools, and most of the asylums and hospitals, have been maintained or aided from the public treasury, either of the State or the municipalities, and for many of them the amount thus paid is rapidly increasing. Thus, the number of the insane supported at public expense is now nearly double what it was in

1854, while their cost is more than double. The whole yearly outlay for the insane in the hospitals, asylums and almshouses of Massachusetts cannot be accurately stated, but it no doubt exceeds \$700,000, of which the State pays at least \$125,000, the cities and towns not less than \$300,000, and private citizens nearly \$300,000. Probably no other State in the Union expends so much for its insane, or for other dependents, in proportion to the population, as Massachusetts does.

The growth of the State Charities having been recent and rapid, it need not surprise us if the system under which they are administered should be found imperfect, complicated, and sometimes inconsistent with itself. This very system is a gradual growth, rather than a well-devised working plan. Especially is this true of our laws of pauper settlement. Nor is it otherwise with the penal statutes and those laws which regulate prisons and reform schools. I would direct your attention to the urgent necessity which exists for revising and harmonizing these statutes, and for a reorganization of the Board of State Charities in accordance with such revised code, and with the altered conditions of charitable and reformatory work which have arisen since the Board was established. It is now seventeen years since the General Statutes were revised, and in this period there has been much legislation upon this subject. Some of it is conflicting, and very few of the Acts passed appear to have been considered at the time of their enactment with due regard to statutes already existing. This is the defect, perhaps, of all legislation; but it is especially noticeable with respect to the so-called Settlement Laws, the laws relating to insanity, and to those regulating the separation of children from their parents and natural guardians, when such children happen to fall into the pauper or criminal classes.

The labor and discrimination of a body of judicious persons, acquainted with the practical working of the law and of our charitable institutions and system, could now be well bestowed for a few months in collating and revising all the existing statutes in regard to pauperism, crime and insanity; so that the present or the next General Court may repeal such of them as are obsolete, equivocal or conflicting, and condense the remainder into a few concise chapters, instead of leaving them, as now, scattered through twenty volumes, with judicial decisions modifying

them in as many more volumes of reports. The Board of Charities has done what it could in this respect; but its powers are insufficient, and its members too fully occupied, to accomplish all that is desirable.

I recommend the appointment of a special commission for this purpose.

The separate establishments maintained by the Commonwealth for the treatment of insanity, for the relief of the poor, for the education of dependent and delinquent children, and for the repression of crime, are susceptible of a more uniform and efficient management than now prevails.

These institutions, ten or twelve in number, including four hospitals for the insane, a large state almshouse, two reformatories, three schools, and three prisons, are now governed each by its own superintendent and board of trustees or inspectors, between whom there is little consultation or coöperation. Except the Blind Asylum, which now reports to the Board of Education, they are all under the general supervision of the Board of State Charities, which possesses also certain powers of administration in regard to many of them. The Prison Commission exercises other powers concerning two of the prisons, at Sherborn and at Bridgewater. But neither of the supervisory commissions has any direct power to regulate expenditure nor to correct the management of any institution, these matters being left to the local boards of inspectors or trustees. Even these last may have no control of the appropriations for rebuilding or remodelling an establishment, though they often direct construction and repairs. But in this divided jurisdiction, a conflict of authorities may easily arise, while the subdivision of responsibility sometimes acts unfavorably in point of economy. The great expenditure for new public buildings, within the five years since the close of 1871, is an illustration of this, which has more than once been cited, but which has lost none of its force by repeated remark. The union of several of these local boards of inspectors and trustees in a single board, for each branch of the public charities, or some other mode of simplifying and concentrating the management of these institutions, is much to be desired.

The general condition of most of these establishments, and the principles which should control them, are set forth in the report of the Board of State Charities, where also

may be found detailed plans for the better classification of the insane, and for the reorganization of the State Charities under a more responsible system, to both of which I would call your attention. The condition of the institutions themselves, except that several of them are overcrowded, is better than it was a year ago, while the public poor do not seem to be suffering individually or collectively more than was the case last year. Economy and humanity, however, both require that the relief and supervision of the poor, whether of the State or of the municipalities, should be well ordered and well guarded. The system in use has already passed from municipal relief without state supervision, to mixed local and state relief, and now tends towards municipal relief supplemented and supervised by the State. These are the three progressive stages of poor-law administration in Massachusetts; the first having prevailed from 1775 to 1854, and the second and third now existing side by side, until, in course of time, the third stage shall take the place of both. In the opinion of those qualified to judge, this third method,—municipal relief, supplemented and supervised by the State,—is that which must ultimately be adopted in order to reduce pauperism to its lowest terms. But while the relief given by cities and towns to their resident poor should be subject to sufficient state regulation, much more strictly should this be maintained over the establishments in which the dependents and wards of the State are collected, sometimes to the number of a thousand in a single institution. The plan reported by the Board of State Charities provides for such efficient regulation, and would give more uniformity to the present system.

COUNTY JAILS.

It having been represented by the Commissioners of Prisons that there is great need of improvement and classification of the county jails and workhouses, the General Court, by chapter 23 of the Resolves of 1876, directed the Commissioners to report to the present session a definite plan for dividing the State into prison districts, with an estimate of the cost of carrying the same into effect; and also to present an estimate of the present value of the various prison buildings in the several counties, with such other recommendations as they deem

proper. In obedience to this Resolve, the Commissioners will present in their report a plan for such division, classification and improvement, with a draft of a bill for carrying the same into effect, together with arguments and suggestions favoring a change in the laws respecting the treatment of drunkards and vagrants. It is believed that some such plan as they suggest would secure greater economy in expense, and at the same time be more hopeful of reformation, if this class of persons were removed from contact and association with abandoned criminals. As this subject has already been before the Legislature, and is revived by its order, it will be entitled to your early consideration.

WOMAN'S PRISON.

The Commissioners also state that the new prison for women at Sherborn will be ready for use early in the coming summer, and that the expenditures have been kept within the estimates, and in their opinion no other than the original appropriation of \$300,000 will be needed to finish the entire group of buildings, in accordance with the plans approved by the Governor and Council. The prudence and fidelity of the Commissioners in this respect seem to me to merit the highest commendation. Appropriations will now be required for furnishing the prison, salaries of officers, and other current expenses, an estimate for which will be duly presented.

EDUCATION.

From the earliest times, the people of this Commonwealth have taken the deepest interest in the cause of education; and they believe that the well-being of society, and that the perpetuity of our republican form of government, depend upon the spread of intelligence and virtue among those to whom the sovereign right of suffrage is extended. Even in colonial days, schools were supported by law, and provision was made that their benefits should be universally enjoyed. How far the adoption of this intelligent provision ripened the conception and stimulated the desire for self-government, which resulted in the establishment of the National Union, may be left to the study of the historian and to philosophic meditation.

Massachusetts was the first State to enact a common school law; and upon her model the other New England States and many others in distant localities, have founded their school systems. It has been her ambition to lead rather than to follow in the extension of her school privileges, and in providing for and perfecting her system of public instruction. The method of raising funds for the support of public schools, prior to the establishment of the school fund, was by tax upon the polls and estates of the people in the towns and school districts, without any considerable aid from the treasury of the State. The school fund was established by an Act of the Legislature of 1834, by which, and by subsequent Acts, the money then in the treasury derived from the sale of lands in the State of Maine, the amount derived from the State's claim upon the United States Government for military services, and the amounts to be derived from further sales of land in Maine and upon the Back Bay in Boston, should constitute a fund, the income of which should be appropriated and distributed in aid and encouragement of common schools; no city, town or district being entitled to receive a greater sum than itself raised for the same purpose. The school fund now amounts to \$2,066,866.43.

During the last twenty years, one-half the annual income of the school fund has been appropriated by law to the support of the common schools, while the other moiety of the income has been applied to "other educational purposes." The Board of Education, in the last report submitted, call attention to the fact that the "educational expenses," other than support of the common schools, exceed in amount the moiety of the income of the school fund appropriated to their payment, and will so exceed it hereafter until provision be made for the increase of the fund. Under these circumstances, some measure for supplying this deficiency must be adopted, or serious injury will accrue to our whole educational system. The Board suggest three ways, by the adoption of either of which this deficiency may be supplied. One is by making an annual appropriation from the state treasury; one by increasing the school fund so that one-half the income shall be sufficient for the purpose; and the third means is to assess a half-mill or a quarter-mill tax, in accordance with the recommendation contained in the report of the Board in a previous year. The Board

expresses its preference for the last of the three methods suggested. The argument in support of this measure will be found forcibly presented, and at length, in the report of the Board of Education for 1873. Still another means would be to change the ratio of apportionment between the two objects to which the income of the fund is appropriated, giving the larger portion to what are termed "other educational purposes," and leaving the deficiency for the schools to be provided by the cities and towns in which they are located, according to the ancient custom. It may also be expedient to make careful inquiry whether the "other educational expenses" may not be reduced without detriment. Whether either of these, or some other method, shall meet your approval, the common pride of the people of the State in their school system, and the pressing necessity of the case, must secure your early and successful solution of the difficulty now existing. The amount of the income of the school fund paid to cities and towns for the school year 1875-6, was \$83,-350.99; and all the cities and towns in the State have raised by taxation the amount required by law to be raised, as a condition for receiving a share of the income of the fund. The whole number of pupils of all ages in all the public schools during the year, was 305,776; and the total amount of money expended in the maintenance of the public schools, including the instruction of children in the reformatory and charitable institutions, was very nearly \$6,000,000,—being equal to \$19.68 for each child in the State between five and fifteen years of age.

Massachusetts has no reason to avoid comparison, either of the methods or results of her educational system, with the most favored States and countries. She has always exercised a notable liberality in support of schools of various grades, while the munificence of many citizens has made her name illustrious by their noble generosity to her higher institutions of learning.

The methods of education for general culture, and the type of educational institutions, have long been substantially settled. The universities of the world are essentially alike in so far as they propose the one general aim of mental development and culture. The discipline employed, the subjects of study, and the methods practised, are not materially different. These will take care of what are termed the highly educated classes in every community.

It seems apparent, however, in supporting any system of public instruction of universal application, and especially in our own Commonwealth, that apart from the high civil and social considerations already cited, and in addition to the mental development which all true education must give, it is important that more and more attention be given to the consideration of what part that system may be made to serve, in fitting young men and young women to properly enter upon the industrial career which choice or circumstances will naturally open before them. This consideration cannot fail to enforce the wisdom of the provisions recently made for instruction in drawing in the public schools, in the establishment of the Normal Art-School, and the public and corporate provision for industrial and technical education. If we wish to retain our population of native birth, and especially if we wish to sustain that great middle class of population, who are neither so rich as to be sordid, nor so poor as to become objects of charity,—who engage in the activities of life with enthusiasm, and whose loyalty is next in sacredness to their religion,—we must multiply their industries and increase the means and facilities for successful individual enterprise. Any State will lose, in the competitions of modern times, its relative rank in manufactures and technical pursuits, unless through improved methods it can develop new industries, and introduce into those upon which it already relies a higher degree of intellectual discipline and of æsthetic taste, and a higher degree also of manual skill.

The success which has already attended the Normal Art-School, and the introduction of different forms of industrial education, have been so beneficent and decisive, as to present their own argument in favor of the necessary provision for their continuance and increase.

In connection with the subject of education, I invite your attention to the need of—

A NEW CATALOGUE FOR THE STATE LIBRARY.

The last catalogue was printed nearly twenty years ago (1858). Such has been the growth of the library within this period, that the last catalogue, with all practical supplements and interpolations, is entirely insufficient and

inconvenient, and of little use to those who visit the library for consultation and reference.

Annually, for three years past, the Legislature has made a small appropriation for extra assistance in preparing a manuscript copy for the printer. It is now completed and ready for the press, and the Legislature is respectfully asked to authorize its printing, and provide for the expense.

THE MUSEUM OF COMPARATIVE ZOÖLOGY,

A corporation created by an Act of the Legislature of 1869, was, at the last session of the General Court, authorized and empowered to convey all the property in its hands to the President and Fellows of Harvard College, the latter assuming all the trusts, and receiving all the powers imposed by the Act of incorporation upon the Trustees of the Museum. In pursuance of the Act of 1876, the corporation of the Museum has conveyed, and the President and Fellows of the college have accepted, all the property of the former upon the prescribed conditions; and I herewith transmit a petition of the Trustees of the Museum that the corporation may be dissolved. I also transmit the annual report of the Trustees of the Museum for the year 1876.

HARBOR.

The annual reports of the Harbor Commissioners show that the labors of that Board have steadily increased, partly because of the increase of our commerce in amount and variety, and partly because experience has brought the Board more and more into intimate relations with the interests it was designed to serve. It is encouraging to learn that during the past year the number of licenses issued by the Board for the construction of wharves, the excavation of docks, and other improvements solicited by private parties or corporations, has exceeded the average of previous years, and falls short only of those for each of the three preceding years.

The completion of two very important improvements in Boston Harbor, has recently been announced by the United States Engineer, who executed them under appropriations by Congress. One of these is a widening of the main ship channel in the Lower Harbor; and the other, the removal

of what is known as the Upper Middle Bar, which obstructed the approach of heavy vessels to the city at low tide. In extension of the latter work, the Commonwealth, by the Harbor Commissioners, has nearly completed the excavation of a channel from the deep water above the Upper Middle to the mouth of Fort Point Channel, across what was previously a portion of South Boston Flats, nearly dry at lowest tides. By this channel vessels drawing twenty-three feet of water can be brought to the quay wall which incloses the lands reclaimed in part by the material removed from the bed of the harbor. It is confidently expected that the sale of these lands by the State will eventually more than pay the cost of the harbor improvement with which it is connected. To complete the work now under contract, an appropriation to the amount of the residue of the estimate will be necessary at the present session of the Legislature.

The channel excavation undertaken by the General Government in the harbor of Plymouth, although incomplete, has been thus far so successful that it may be confidently hoped the further appropriation required for its completion will be made by the present Congress.

SOUTH BOSTON FLATS.

The agents of the Commonwealth in charge of the flats have investigated the titles, the limits of the flats, and certain conflicting claims and rights involved therein, and have made surveys and initiated the work of filling upon a plan which gives promise of economy and success.

The appropriation of last year was not expected to cover more than the surveys and the compensation and expenses of the Board; yet, in addition to these, by care in expenditure, the agents, with the approval of the Executive, and without exceeding the appropriation, have built two lines of bulkhead for retaining material dredged from the harbor, and such material is now being placed there without other expense than the cost of the bulkheads. A moderate appropriation for extending this economical work, and for securing cheap filling from the harbor and from the city, and elsewhere, would doubtless be advantageous. Something more than twenty acres have already been partially filled, and the bulkheads will retain the filling for a much larger area. Among the additional duties required by

statute of the agents was the preparation of a plan for the development and use of this territory.

By previous legislation, a reserved channel had been provided for, the course and dimensions of which were exhibited upon a plan therein referred to; and in the course of their investigations the agents have discovered that conflicting grants have been made to certain littoral proprietors, which allow them to extend wharves across the proposed channel. The opinion of the Attorney-General upon the matter involved in these grants, and which is embodied in the report of the agents, shows that additional legislation will be required, either to extinguish these grants or else to provide for a new channel in some other locality before the plan required of the agents can be completed. Still further legislation involving the settlement of corporate and private claims and rights will be presented in the report, to which I invite your attention.

TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

It gives me the liveliest gratification to be able to state that the Troy and Greenfield Railroad and Hoosac Tunnel are substantially completed, and trains—both for passengers and freight—are running on the line without interruption or delay. The single piece of rock-cutting still under contract will be completed in the ensuing spring; and thereafter all that needs to be done can be accomplished by the force employed to keep the road in repair, under direction of the Manager.

This road, which is forty-four miles in length, including four and three-quarters miles in the Hoosac Tunnel, is built in the most substantial manner. It has now one track of steel rails, with eleven miles of side track; but the masonry is constructed for the reception of two tracks throughout the entire length of the road, should business in the future require them.

With the exception of a few yards of rock-cutting in West Deerfield, the work of extension into Greenfield is completed; and a temporary connection was formed on the 14th of December which enables the trains of the Troy and Greenfield Railroad to cross the tracks of the Connecticut River road to a further connection with the Fitchburg Railroad Line, thus making a through route to Boston.

Some change in chapter 150 of the Acts of 1876 may be deemed advisable to accomplish what seems necessary to be done to make a suitable permanent crossing and station at Greenfield. A new engine-house has been built at North Adams, and substantial iron turn-tables at North Adams and at Greenfield; new station and freight houses have been built, or the old buildings repaired, between Greenfield and the Hoosac Tunnel; and at suitable distances, water-tanks, tank-houses, and apparatus for water-supply have been established.

In March last, owing to financial embarrassments, Mr. N. C. Munson, who held contracts with the State for building that portion of the road lying between Greenfield and West Deerfield Station, was obliged to suspend operations on his own account; and his sureties, Messrs. Franklin Haven and Benjamin E. Bates, signified their willingness to continue the work to completion upon the same terms and conditions as those in the contracts with Mr. Munson. This arrangement was assented to by the Governor and Council, and since that date the work has been satisfactorily prosecuted by the new contractors. The work upon the forfeited contract of Mr. Munson, between Bardwell's Ferry and Charlemont, has been completed by the manager of the road.

Previous to the surrender of the management of the Troy and Greenfield Railroad and Hoosac Tunnel to the Governor and Council, on the first of July, 1875, by the corporators appointed under chapter 403 of the Acts of 1874,—who had previously had them in charge,—estimates had been made of the amount necessary to complete the construction and repair of the road between Bardwell's Ferry and the Vermont State Line; and upon these estimates an appropriation of \$1,500,000 for the work was made. It was estimated by the corporators, when they surrendered the work, that not less than \$200,000, remaining from this appropriation, could be applied to the construction of the road between Bardwell's Ferry and Greenfield; and this amount was so relied upon from that source by the Governor and Council upon assuming charge of the enterprise. This estimate afterward proved to be erroneous, and the whole of the \$200,000 was required to complete the work for which it was originally appropriated, and \$50,000 additional; so that the amount available to the Governor and Council was in fact \$250,000 below

the estimate for this purpose. The Governor and Council have endeavored to conform strictly to the law and to the contracts made by their predecessors or transmitted to them by the corporators, in the conduct of the work upon the road and upon the tunnel; and, considering the magnitude and variety of the work to be performed, the original estimates, with the exception of the error respecting the surplus here alluded to, and the extraordinary cost of a deep cut and bridge at Bardwell's Ferry, appear to have been remarkably accurate. In consequence of this error, however, the appropriations were exhausted before the work under the contract with Messrs. Haven and Bates, and for the rock-cut at Deerfield with Messrs. McClallan, were completed; and suspension for a time appeared to be inevitable. The work upon the rock-cut was temporarily suspended by mutual consent of parties. On the 30th of September, Messrs. Haven and Bates, and subsequently Messrs. McClallan, expressed willingness to proceed with the work under their respective contracts at their own risk of payment from future appropriation to be made by the Legislature, provided such continuance met the approval of the Governor and Council. It became evident, upon a careful examination of the matter, that, unless the contractors should so continue, trusting to the requisite appropriation to be made hereafter, the work upon the extension into Greenfield must stop, thereby delaying the completion of the contracts until next spring, or later, and requiring the maintenance of both the old and the new lines from West Deerfield, with additions to the ultimate cost. The Governor and Council approved, so far as they had authority to do so, the continuance of the work; and I recommend that a sum be appropriated sufficient to pay the amount due these contractors, and such further sum as shall be found necessary to finally finish the road and the tunnel. It is impossible to state the amount of the appropriation required for this purpose until the accounts are made up; but it will probably not much exceed one-half the amount of the error in the estimate of the corporators above referred to.

Fifty-five thousand and forty-seven dollars, received for tolls, have been paid into the treasury of the Commonwealth.

Work under the contracts of B. N. Farren, Esq., for arching in the Hoosac Tunnel, was completed on the 30th

of June last. The engineer in charge reported the arching to be of "excellent quality," which opinion was confirmed by experts employed to examine it, who also reported that "the bricks are laid in a thorough and workmanlike manner."

The total length of the Hoosac Tunnel is 25,081 lineal feet; the total number of brick laid under the Farren contracts was 14,562,000; and in all, there have been used in arching the tunnel about 20,000,000 brick.

It is the opinion of the Manager and chief engineer that the erection of a façade at the east portal is a necessity for the protection of the surface-rock from the effect of climatic changes; and, under their direction, timber shields have been erected in the central shaft of the tunnel as a protection against the fall of rock which from any cause might become detached from the sides of the shaft.

The experience of the past year demonstrates that not the slightest difficulty arises from want of ventilation in the Hoosac Tunnel, and thus a question which has caused much theoretic discussion and solicitude in the past is for the present disposed of.

Excepting the erection of the façade at the east portal, what remains to be done to complete the Hoosac Tunnel can be most economically accomplished by the force employed under the direction of the Manager, and at a small cost.

An examination of the early history of this great enterprise will show that it originated in a public desire to bring the seaports and manufacturing centres of Massachusetts into closer commercial relations, by increased facilities of communication, with the Central States of the continent, and with the great natural highways which the Lakes afford. The first step in this direction appeared to its projectors to be to tunnel the Hoosac Mountain barrier; and during a quarter of a century past, amid alternations of hope and distrust, and amid much conflict of opinion, the sums required to carry on the work have been successively appropriated, and the people have thus uniformly sanctioned the work. It is also a remarkable fact that, with a seeming increase of faith under magnified difficulties, the largest appropriations were made during the late War of the Rebellion and just subsequent thereto, when the resources of our people were strained to the utmost.

The wisdom of this great undertaking need not now be made the subject of discussion ; and if it were, it is quite likely that its advocates and opponents would appear in controversy, though perhaps the latter would be in diminished numbers. The enterprise has been completed ; and a work of such magnitude, constructed at a cost of nearly seventeen millions of dollars from the treasury of the Commonwealth, and sanctioned by successive Legislatures during the period of a whole generation, involves a property and trust not to be lightly esteemed nor jeopardized through ill-advised legislation.

The methods of its future use and management still remain unsettled ; and this subject deserves the most careful consideration, and the benefit of the largest experience, that can be brought to bear upon it.

The corporators created under the Act of 1874 were, among other duties therein prescribed, directed to give such information, and to offer such suggestions and recommendations in regard to the management, development or disposition to be made of the railroad and tunnel, as they might deem expedient, and for the interest of the Commonwealth. This branch of their report bears so fully and directly upon the question which comes immediately under deliberation by the completion of the work, that I recommend its suggestions to your careful perusal and consideration.

The corporators say, after discussing different methods of organization for the management of the tunnel : "Unless our investigations have resulted in wholly erroneous conclusions, the practical end to be kept in view is an organization under one vigorous management of a through railroad line between Eastern Massachusetts and the interior of the continent. In effecting this, the State should be involved in the least possible future outlay, and the earliest practicable separation between its finances and those of the corporation should be effected." The corporators favor a mixed ownership and management, under which the properties of the State would be consolidated with those of the private companies, and the whole to be managed by a board of directors representing the State and the other constituencies, with proper provisions to secure an equitable use of the tunnel by other connecting roads. They say that "to justify the construction of the tunnel, it is necessary that a very extensive traffic should

be carried on through it, at very low rates. . . . Now, if there be one principle more clearly established than any other, as a result of all railroad experience, it is that disconnected corporations, under loose and feeble management, and with insufficient capital and equipment, can neither deal successfully with connecting, nor struggle successfully against competing roads. So, also, as regards railroad business, it is only when it is done on the most extensive scale that it can be done on the most favorable terms; that it may be done economically, the volume of business must be the largest possible, and the machinery for handling it the most perfect possible."

The tunnel line, by existing legislation, is under the control of the Governor and Council, who employ a manager and subordinates, but in reality they operate the line. Such management is not in accordance either with the best interests of the property nor with the proper functions of the Executive Department of the Government. In my address to the Legislature of 1876, I said: "The idea of perpetual management by the Executive Department of the State, with its liability to further outlays to an unlimited extent, and to business complications more intricate than any which have arisen in the progress of construction, must, I think, enforce the effort to consolidate all the interests on this new route, or so many of them as may be prepared to enter into equitable arrangements for consolidation, in such manner and upon such basis as may hereafter be mutually agreed upon under legislative sanction."

Nothing has since transpired to materially alter the conclusions of the corporators, nor to modify my own impressions of the necessity for unity of interest and of administration in the tunnel route; but, on the contrary, much to confirm them both.

The precise manner in which consolidation shall be effected, and how the tunnel line shall be utilized in the immediate future, are subjects full of embarrassment, and the delineation of a specific plan from any one standpoint is well-nigh impossible. It seems, however, to be generally agreed, that it will be unwise for the State at present, if ever, to part with its control. While there are some who are so hopeful as to anticipate the ultimate recovery of the money invested in the enterprise, it will probably be wiser to regard the tunnel route in the light

of its commercial value,—as a means of increasing business and cheapening food and fuel to all classes of our people; and doubtless this view would also be the surest way to that increase of business which might ultimately bring direct returns upon the investment. A survey of the available sources of business to the tunnel route indicates that there need be no jealousy, on the one hand, from existing lines; and, on the other hand, no apprehension of scarcity of business when there is remunerative transportation upon trunk lines anywhere. This route will offer some important advantages, in shortness of distance and ease of grades, to great trunk lines westward, already projected and certain to be constructed, and to existing lines which stretch into the heart of the continent, but which now reach the towns and seaports of Massachusetts only indirectly and with very limited results. It would seem to be within reasonable anticipation that a volume of new business may eventually be attracted over the tunnel line equal to that at present done over the Boston and Albany Railroad, and without imposing upon the latter any appreciable competition. The advantages of this route cannot remain long unappreciated; and while the State should hold itself in readiness to secure to its own and its people's advantage all that may offer to a liberal and comprehensive policy, it need not sacrifice the future by any hasty compromise to its disadvantage; much less should it make any timorous yielding to temporary difficulties or embarrassments. To strong connections, the line offers great and peculiar advantages; and I have reason to believe that overtures may soon be made which will indicate a solution of the problem of its future utilization. Should such expectation fail, I think it will be expedient to modify the present mode of operating the line by the State. The present law only empowers the Governor and Council to impose rates of toll for the use of the road, while any connecting roads are authorized to run over its track. Security to the property, safety to trains, and certainty of transportation, together with proper care and supervision of the line, may render it expedient that the State should own its equipment, at least of motive-power. I should regret the resort to that alternative; but your investigation of the subject may lead to the conclusion that it is expedient or necessary. In the absence of any legislation for the permanent dispo-

sition of the Troy and Greenfield Railroad and Hoosac Tunnel, I would ask your consideration of the relief of the Executive Department of its charge by the appointment of a Commission, whose members should hold varying periods of service, and be vested with powers similar to those of directors of railroad corporations, but limited by such special restrictions as the General Court may see fit to impose.

For statistics of the business of the line, and for much other valuable information bearing upon the practical questions to be determined in the investigation to which your attention is invited, I refer you to the annual report of the Manager, which may be expected early in the present month.

RAILROADS.

For the first time, it is believed, since the construction of the railroad system of the State was begun, nearly half a century ago, the building of railroads in Massachusetts practically ceased during the last year. A few miles of additional or connecting tracks were built by old corporations, but no new enterprise was inaugurated. Since the financial panic of 1873, the decrease in this respect has been marked and regular. During that year, no less than one hundred and thirty miles of road were built, and a much larger amount was in course of construction; the next year the number fell off to forty-one; in 1875 it was but thirty-three, and in 1876 it was practically nothing. In view of the too rapid railroad construction of former years, this cannot be regarded as a misfortune, as it apparently put a stop only to unprofitable investment of capital. Massachusetts is, indeed, now better supplied with railroad facilities than any other State of the Union, and than most districts of equal size in Europe. Belgium, for example, has a mile of railroad to every 5.1 square miles of territory, and to each 2,250 of its inhabitants; while in Massachusetts there is a mile of railroad to every 4.28 square miles of territory, and to each 900 of the population.

The railroad system of the State now includes 1,837 miles of track within its limits, and represents a total permanent investment of \$110,000,000, exclusive of the cost of the Hoosac Tunnel. On this system, during the last year, a net income was reported of only 5.6 per cent.,

showing that the capital invested in railroads, at present at least, is not unduly profitable. During the past year, the total earnings of the system fell off 4.85 per cent. from those of 1875, and over 11 per cent. from those of 1873. While, however, the gross income of the corporations fell off in 1876 over \$1,500,000 from that of 1875, the greater economy exercised reduced the loss of net income to \$100,000. As compared with 1873, the railroads of Massachusetts, in 1876, moved nearly thirteen million more tons of freight one mile, and received \$3,283,315.54 less for doing it.

Under authority of an Act of the last Legislature, the Board of Railroad Commissioners has prepared a system under which the accounts of all the railroad corporations of the State are hereafter to be kept on a uniform plan and under the same general rules. This much-needed reform went into effect on the first of October last; and it is intended that the books of these corporations shall in future be practically kept under public supervision. An effort has also been made to secure the adoption of the same system of accounts and returns in all the States adjoining Massachusetts, but with what result remains to be seen. The Commissioners of these States, except Rhode Island, have agreed upon the system, and have united in recommending its adoption by their various Legislatures. There is certainly no general measure of reform relating to the railroads of the country now under discussion, of equal importance with this; and the adoption of a common system of accounts would go very far towards preventing the recurrence of many scandals and abuses connected with the railroad development of the last few years.

MILITIA.

In making the appointments of the military staff at the beginning of the year, the office of Inspector-General was divided from that of Adjutant-General, and a separate incumbent was appointed. The earliest duty devolved upon the Inspector-General was a thorough inspection of the Adjutant and Quarter-Master-General's department, and a careful examination of the state arsenal and camp-ground. Various changes, looking to a better system of keeping the accounts, and enforcing upon militia officers a stricter responsibility for the state property intrusted to their care, were immediately instituted,

and have resulted in great benefit to the service, both in respect to economy and discipline.

The most important matter of the year connected with the militia has been the Act of the Legislature, approved April 28, requiring an inspection and reduction of the volunteer force. As the reduction was to be consequent upon the inspection, and to be completed within a specified time, necessary steps were immediately taken by the Inspector-General to perform the work required of him. Ten additional assistant inspectors-general were appointed to facilitate the inspection and to commence it simultaneously in different parts of the State. Printed forms for the statistics required were prepared for use of the several inspectors, and the work was performed with a single regard to the welfare of the service and with entire impartiality among the officers and men of the militia.

Upon receipt of the report of the Inspector-General, orders were issued in conformity to the statute, on the 6th of July last, disbanding the thirty companies found lowest in discipline by the inspection. The public property in use by these companies has been returned to the state arsenal at South Framingham. General orders were issued on the 14th of July for reorganizing the remaining companies into battalions, regiments, and brigades. As the statute reduced the number of companies to eight in each regiment, and permitted battalions of two or more companies, it was found advisable, having proper regard to the location of companies, the uniforms in their possession which had been recently issued, and to some other particulars, to organize the force as follows:—

Infantry.—Four regiments (fifth, sixth, eighth, and tenth), of eight companies each; three battalions (first, second and ninth), of six companies each; two battalions (third and fourth), of four companies each; and one battalion (seventh), of two companies; making a total of ten organizations, numbered consecutively from one to ten, and composed of sixty companies.

Cavalry.—One battalion (first), of two companies and one unattached company (F); a total of three companies.

Artillery.—One battalion (first), of two companies and one unattached company (A); a total of three companies: Making a grand total of fourteen organizations of sixty-six companies of all arms; which were formed into two brigades very nearly equal in rank and in number of

officers and men. Besides these two brigades, there are two unattached corps of cadets.

In consequence of the reduction of the force, the commissions of general and field officers, to the number of one hundred and forty-three, expired April 28. Of this number, forty-nine have reëntered the service. The roster and muster rolls contain the names of three hundred and fifty commissioned officers and three thousand four hundred and twelve enlisted men. The enrolled militia for this year numbers two hundred and sixteen thousand one hundred and nine men (216,109), as against two hundred and seventeen thousand four hundred and ninety-five (217,495) last year, showing a decrease of thirteen hundred and eighty-six (1,386).

By reference to the statement of appropriations and expenditures in the report of the Adjutant-General, for the military department, it will be observed that there has been a net saving within the amount of the appropriations of about twenty-six thousand dollars. And the exhibit further shows that, with the single exception of "extraordinary expense" (the deficiency in which is caused by the completion of the fence about the camp-ground under a contract of 1875), there has been a saving made under each separate item of appropriation.

The expenditures under control of the Adjutant-General's department, in 1875, amounted to \$259,909.07, and the corresponding expenditures, in 1876, amounted to \$127,480.76, showing a decrease of \$132,428.31, or about fifty-one per cent. A similar comparison of the expenditures of the whole military department shows \$363,630.90 in 1875, and \$165,718.08 in 1876,—making a total decrease in the military expenses of \$197,912.82, or about fifty-four and a half per cent.

Based upon the regular expenses and the number of men borne upon the roster and muster rolls in December of each year, the cost per capita shows a reduction in 1876 of about fourteen and a half per cent.

The military property of the State in use by the troops is generally in good condition. Breech-loading arms are in use by all the infantry organizations except the Second Battalion, and this command will be supplied when the Peabody rifles turned in by the disbanded companies are put in proper order for re-issue. The camp-equipage is badly worn, and many of the tents are in such condition

as not to warrant expenditure for their repair. It will therefore be necessary to make some new purchases.

No proper provision has been made at the state campground for the storage of ammunition, and a magazine for this purpose should be immediately provided. Powder for artillery and cartridges for small arms are now stored in the arsenal, without adequate protection to the public property on the premises, and to the peril of the family of the arsenal keeper and of other employés. A suitable structure for the purpose here indicated could probably be erected at a cost of about one thousand dollars.

The attendance of officers and men upon the tours of duty has been : at inspection, 4,572 ; at camp, 3,387.

At the close of the year 1875, there were upon the rolls 6,547 officers and men, and there are now 3,762, making a reduction of forty-two and one-half per cent., and the maximum allowed by law is 4,134.

The militia is in a condition of efficiency and good discipline. The officers are men of intelligence and military tastes and inclinations, and the bearing of the men is in every respect creditable to themselves and to the State at large.

I have recently detailed a commission of five officers, representing different branches of the militia and the military staff, to prepare a Code of Regulations, similar to the United States army regulations, and covering the many points now involved in more or less doubt ; and which shall also contain full instructions in relation to keeping military records, the preparation of reports and other military papers, rules of military etiquette, forms and ceremonies, explanations of the law of liability for duty, and other matters appertaining to the complete administration of the militia service.

The First Corps of Cadets and Company A, First Battalion Cavalry, visited Philadelphia, May 8 to 13, as escort to the Governor of the State, on the occasion of the opening of the Centennial Exhibition, and their excellent appearance elicited the highest commendation from critical observers.

The report of the Surgeon-General exhibits in detail the sanitary condition of the militia, and the varied and intricate duties which now devolve upon his department ; and that of the Inspector-General exhibits the details of inspection and reorganization, with much other matter of

great practical value. I commend both of these documents to your careful perusal.

CENTENNIAL.

The great International Exhibition of the arts and industries of the world, held at Philadelphia between May and November of last year, will be memorable for the grandeur of its plans and for its uncommon success. To Americans it had the additional interest of being the chosen and appropriate method of celebrating the One Hundredth Anniversary of the founding of the National Union. An appropriation of fifty thousand dollars was placed at the disposal of the Governor and Council by the Legislature of 1875, for the purpose of securing at this Exhibition "a due representation of the different arts, industries and institutions of this Commonwealth"; and on the 10th of September, of that year, an agent and two assistants appointed by the Governor and Council, entered vigorously upon carrying into execution the purpose of the Resolve. The duties especially undertaken by them were the preparation of such exhibits as would best represent the public institutions and interests of the Commonwealth in matters relating to education and science, agriculture, shipping, to the public charities, hospitals, asylums, and prisons, and to modes of administration of the public offices and departments of the State. In addition to these duties, the agents instituted an extensive correspondence, and held interviews with exhibitors, and disseminated information and advice concerning the preparation of their respective exhibits; in many instances they also secured space in the exhibition buildings, and coöperated generally to the end that all the representations from the State should be set forth to the best advantage. These efforts, in connection with those of the United States Centennial Commissioners for Massachusetts, secured a full representation of the extensive and manifold industries carried on in all parts of the State, and aroused an interest in the Exhibition which was manifested by the attendance of tens of thousands of visitors, who were both instructed and delighted by the marvellous display of the world's aggregate of ingenuity and skill.

The Massachusetts "State Building," to which almost universal resort was had by visitors, not only from this

State but by multitudes from all parts of the world, was erected and maintained by private liberality, and mainly through the enterprise and energy of a merchant of Boston, who in this, and in other ways, contributed largely to the entertainment and comfort of visitors. In consideration of the public use to which this building has been devoted, and the great convenience and gratification which that use has afforded all classes of visitors, the Governor and Council thought it proper to recognize the efforts of its manager by an appropriation which should relieve him of the deficit in its cost and expenses, above the amount of the private contributions for that purpose. This deficit I am now informed will amount to about eight thousand dollars, and cannot be covered by the appropriation of 1875. Should the Legislature, therefore, concur with the Governor and Council in the justice of this reimbursement, an appropriation for this purpose will be necessary.

In a period like the present, the importance of such an Exhibition can scarcely be overestimated; and especially to a people who, like our own, must ever depend largely upon technical and mechanical industry for their support. Unlike some of our sister States, we have no large deposits of mineral wealth, and no fertile and wide-spreading acres under a climate especially inviting to the pursuit of agriculture, and promising employment and profit to great numbers of population. In the distributions of labor, therefore, we must depend more upon the development of commerce and manufactures, and upon the culture and practice of the industrial arts, than upon the gifts and endowments of nature. The wonderful discoveries of science, and the utilization of their results in the industrial arts, are the conspicuous characteristic of the present century; and the Centennial Exhibition demonstrated how marvellous has been the recent progress of invention in all the material appliances which contribute to the wealth, comfort, convenience, and social elevation of mankind.

Never before had the people of different nations met together under auspices so thoroughly free from local and national jealousies, and so favorable to freedom of intercourse, and for an unbiassed comparison by social and material standards. Perhaps no result of the Exhibition was more remarkable than the mutual surprise at the substantial equality of the different communities and nations

in the products of invention and skill. If Americans be compelled to yield precedence to some of the older nations in the beauty and perfection of objects of taste and luxury in the department of Fine Arts, they were found to be fully equal, if not in advance of them, both in means and processes of manufacture in the products of mechanical industry. The great fact is now more than ever before realized, that the industrial arts have been substantially new-born within the last half century; and that the advantages which have hitherto been conceded to older nations in longer practice, and to hereditary or transmitted skill, have ceased to be so important factors among the elements of international and industrial competition. Literally may it be assumed in this particular, that old things have passed away, and all things have become new. It must, therefore, henceforth be assumed, that so far as technical industries are concerned, the world has no older competitors than ourselves; and there remain to other nations but small advantages for us to overcome in methods of production. The remaining questions to be solved in the way of our supreme industrial success are rather those of economy in cost, and of facilities for foreign transport.

The higher cost of the capital invested in the plant and in the transaction of any business in this country, as compared with others, is becoming equalized as wealth accumulates and the great enterprises of public improvement are more and more completed. The cheapening of fuel, and the constantly increasing power of engines, are reducing the cost of motive-power, and rendering the establishment of many industries practicable in places where there is no large water-power nor other simply natural forces. Other nations who are competitors with us in manufactures, have apparently approached the limit of their economical resources, and have few, and some of them no new ones, that are available to meet the pressure of new competitions; while this country has scarcely begun to utilize, much less to exhaust, the resources which nature has so lavishly bestowed in whatever grows upon the soil or is deposited beneath it. As these reserves are more and more brought into use, they must give to this country the economic advantage in cost of production, and, sooner or later, a large share of the markets of the world for the leading products, not only of our soil, but of technical industry also. Indeed, there are unmistakable evidences, both in

the recent Exhibition and in the increasing ability of our manufacturers and artisans to compete successfully with other countries in their own markets, that the time is rapidly approaching when America will be as large an exporter of the products of her mills and shops as she already is of food and the materials for textile fabrics. The climate and other natural advantages of our own State are especially favorable to manufacturing and technical pursuits; and the tastes, genius and interests of our people incline strongly to the same direction. Our legislation should not be regardless of these peculiar features of our industrial opportunities and necessities.

But while the representations just made of the industry and skill and general intelligence of our citizens show largely the basis of our prosperity, and their uniform excellence indicates a gratifying result in comparisons of progress, still it would be fatal to suppose that we have much more than made a good beginning in that grander career which the future is sure to open before us, and the demands of which are already forcibly presented. We must not only multiply the varieties of our pursuits, but we must seek to perfect the quality of our fabrics; and as we make provision for educating every child in the State, we ought also to reap the economic advantage which may be derived from trained intelligence and skilled labor as contrasted with ignorance, in all branches of industry.

With the greatly diminished cost of iron, and the abundance of available timber, the country ought also to immediately restore its commercial tonnage, and recover its just participation in the carrying trade of the world. The products of American industry could be largely carried in American ships; especially do we need to be relieved from the reproach of having our American diplomats and mails carried only under foreign flags; and Massachusetts must not forego her just part in efforts to this end, until our national ensign floats freely again among the shipping of all the leading commercial ports of the world.

Senators and Representatives:

I would, if possible, impress your minds with a new sense of the grandeur of our country, and of the priceless heritage of a Commonwealth which has infused its principles, its laws, and its enterprise so largely into American

civilization. I would appeal to your highest intelligence and manliest fidelity in discharging the duties and obligations which you now assume on its behalf. I would summon from the sleeping past the spirits of the sainted and immortal patriots who trod this soil and breathed this atmosphere in other days, and make them living teachers again by precept and example. In these hours of public anxiety, I would inspire your faith in God, and your loyalty to liberty, to justice, and to humanity. Surrounded on every hand by memorials of heroic valor and martial sacrifice, let us remember that if it be brave and decorous to die for one's State, or one's country, it is equally noble to live for its service, and in the days of peril to bury beneath its altars our partisan strifes and personal ambitions. The real greatness of a State consists not in the extent of its territory, not in the fertility of its soil, not in the richness of its deposits, but in the nobility of its institutions, the justice of its laws, and the virtues of its people.

I adjure you so to discharge the duties of legislation that your work shall remain unchallenged by history, and unregretted by posterity; that you so strengthen the power of the Commonwealth that it shall continue to be, what it always has been,—one of the firmest pillars of the Republic; and that, together, they shall survive the vicissitudes and conflicts of time, and go on amid the plaudits of succeeding generations, in their endless career of increasing greatness and renown.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the House of Representatives, January 9.]

I have the honor herewith to transmit, for the information and use of the General Court, the annual reports for the year 1876, of the Surgeon-General of the Commonwealth; the Commissioners of Inland Fisheries; the Chief Detective of the Commonwealth; and the Report of the Commission appointed under the provisions of chapter 43 of the Resolves of the year 1876, to inquire into the expediency of revising the judicial system of the Commonwealth.

I also transmit a communication addressed to me by His Excellency the Governor of the State of Vermont, enclosing a copy of an Act passed by the Legislature of that State.

[To the Senate, January 23.]

I have the honor herewith to transmit, for the information and use of the General Court, the Annual Report for the year 1876, of the Agents of the Commonwealth for the Commonwealth Flats at South Boston.

I also transmit the Report, for the year 1876, of the Inspector-General of the Commonwealth.

[To the Senate, January 30.]

I have the honor herewith to transmit for the use and information of the General Court, the Sixth Annual Report of the Commissioners of Prisons.

[To the Senate, January 31.]

In compliance with the provisions of chapter 50 of the Resolves of the year 1860, I have the honor herewith to lay before the General Court a report of the pardons issued by the Governor and Council during the year 1876.

Of the sixty-four convicts thus set at liberty, twenty-one were in the state prison; thirty-five in houses of correction; four in jails; and four in the house of industry. In nineteen cases sickness was the controlling reason for granting the pardon, and in six of these cases it has been ascertained that death took place shortly after release.

No. 1. JOHN FARRELL. Convicted of assault on two indictments: Superior Court, Worcester County, May 21, 1874. Sentenced to two years in the house of correction. Pardon granted January 21, 1876, on the recommendation of the District Attorney and the officers of the house of correction, because his health was greatly impaired and his mind seriously affected by injuries to his head received during imprisonment.

No. 2. DENNIS GREEN. Convicted of rape: Superior Court, Bristol County, December 15, 1870. Sentenced to the state prison for life. Pardon granted February 4, 1876, on the petition of Mayor Davenport, Judge Blaisdell, City Marshal Wright, John S. Brayton, S. Angier Chace, R. T. Davis, Chas. P. Stickney, Geo. O. Fairbanks, and other citizens of Fall River. Satisfactory evidence was presented to the Council that the prisoner was not conscious of having committed the crime of which he was convicted. The District Attorney certified that he had already served as long a time as he would have been sentenced if at that time the court had had any discretion in such cases.

No. 3. JAMES F. BARROWS. Convicted of larceny in a building: First District Court of Southern Worcester, May 10, 1875. Sentenced to the house of correction for one year. Pardon granted February 10, 1876, on the petition of Justice Clark Jillson and Sheriff Sprague, because (1) of his prompt and heroic defence of a turnkey who was violently assaulted while in the discharge of his duty; (2) the good effect of his pardon upon the discipline of the prison; (3) his uniformly good conduct during imprisonment.

No. 4. MARY FRENCH. Convicted of assault and battery: Superior Court, Suffolk County, January term,

1876. Sentenced to pay a fine and costs, amounting altogether to \$44.70, and in default thereof committed to the house of industry. Pardon granted February 10, 1876, on the petition of M. J. Croak and Patrick Barry. The convict had an infant child in prison with her and two young children at home requiring her care. Her husband was a poor man out of employment, and unable to pay the fine. She had always before been regarded as a peaceable woman.

No. 5. JOHN J. MALONE. Convicted of larceny before Edward J. Jones, Esq., Trial Justice of Juvenile Offenders for Suffolk County, December 17, 1875. Sentenced to four months in the house of industry. Pardon granted February 17, 1876, on the petition of Rev. W. A. Blenkinsop, Geo. A. Doane, N. B. Freeman, A. H. Grovenor and others, with the recommendation of the justice who sentenced him, because he was convinced from evidence discovered since the trial that the sentence was unduly severe and that his term of imprisonment should be abridged.

No. 6. JOHN LEARY. Convicted of breaking and entering: Superior Court, Suffolk County, September 13, 1875. Sentenced to two years in the house of correction. Pardon granted March 11, 1876. The prison physician certified that the prisoner was very sick with consumption and could not live many days: He was received by friends who would give him proper care. He died within a few days after his release.

No. 7. JAMES MURPHY. Convicted of larceny: Superior Court, Hampden County, December term, 1875. Sentenced to the house of correction for six months. Pardon granted March 16, 1876, on the petition of Judge James H. Morton, Sheriff Bradley, Rev. William Rice, Robert O. Morris, Geo. M. Stearns, Wm. S. Shurtleff, S. B. Spooner, and other citizens of Springfield, because satisfactory evidence was presented to the Council that he was very sick with consumption and would probably die before the expiration of his sentence. His family, living in the State of New York, would care for him while he lived. He died within four weeks from his release.

No. 8. EMERY F. HUNTING. Convicted of manslaughter: Superior Court, Norfolk County, December 15, 1875. Sentenced to the house of correction for three years. Pardon granted March 22, to take effect June 15,

1876, on the petition of the selectmen and one hundred and fifty others, citizens of Needham; the selectmen and seventy others, citizens of Natick; the selectmen and forty-two others, citizens of Dover; seventy-five citizens of Newton, and fifty-four citizens of Holliston. The crime was not intentional, but was committed through carelessness by the prisoner, who was a police officer, while in the discharge, as he thought, of his duty. No public interest would have been subserved by his longer imprisonment.

No. 9. DANIEL P. CHENEY. Convicted of assault upon an officer: Superior Court, Middlesex County, July 18, 1873. Sentenced to four years and six months in the state prison. Pardon granted March 23, 1876, on the petition of Francis Jewett, Wm. E. Livingston, John A. Goodwin, Geo. F. Richardson, Charles A. Stott, Geo. A. Marden, and other leading citizens of Lowell. The Council were satisfied by the evidence of prominent officials of the city of Lowell that public justice demanded his release. An important fact, unknown at the time of trial, constituted an additional reason for executive clemency.

No. 10. TIMOTHY O'BRIEN. Convicted of breaking and entering: Superior Court, Suffolk County, May term, 1875. Sentenced to the house of correction for fifteen months. Pardon granted March 30, 1876, upon the certificate of the prison physician that the convict was sick with consumption and rheumatism and could not long survive. Friends received him and would give him proper attention while he lived.

No. 11. JOHN CONGDON. Convicted of obtaining money by false pretences: Superior Court, Suffolk County, May 10, 1875. Sentenced to the state prison for one year. Pardon granted March 30, 1876, on the petition of the warden and the prison physician, who testified that the prisoner was fatally sick with typhoid pneumonia and could not live many days. He was taken to his home, where he died within two days after his release.

No. 12. MARIE ADELAIDE GAUTIER. Convicted of larceny: Superior Court, Suffolk County, December term, 1875. Sentenced to five years in the house of correction. Pardon granted March 31, 1876, on the petition of Joseph S. Ropes, T. H. Tyndall, and others.

The Council were satisfied that the prisoner was a kleptomaniac. She was young and without friends in this country, and was sent to her family in France immediately upon her release.

No. 13. OWEN DUNLEARY. Convicted of assault and battery: Police Court, Lowell, August 20; 1875. Sentenced to one year in the house of correction. Pardon granted March 31, 1876, on the petition of Francis Jewett, John A. Goodwin, A. A. Haggett, W. F. Salmon, W. E. Livingston, and others, citizens of Lowell, with the recommendation of the justice who tried him, because facts in mitigation of the offence had come to his knowledge since the trial. The offence of which he was convicted was not a grave one.

No. 14. GEORGE BROWN. Convicted of assault and battery: February 2, 1876, Municipal Court, Boston. Sentenced to pay a fine of \$25, and committed to the house of industry in default thereof. Pardon granted April 12, 1876, upon the petition of the United States District Attorney, with the understanding that the prisoner was to be immediately arrested by the United States officers on an indictment for having in his possession with intent to pass, and for knowingly passing, counterfeit coins of the United States.

No. 15. BENJAMIN BAKER. Convicted of robbery: Superior Court, Bristol County, December 19, 1873. Sentenced to the state prison for four years. Pardon granted April 12, 1876, on the petitions of Wendell H. Cobb, A. R. Tucker, H. M. Brownell, J. H. Mackie, and others, citizens of New Bedford; and T. B. Baker, E. Small, Erastus Chase, S. B. Kelley, and others, of Harwich. His associates in the crime, who were subsequently arrested and convicted upon his testimony, had served out their sentences and were at liberty. His record while in prison had been excellent, and previous to this offence his reputation had been good.

No. 16. JOHN LAUGHLIN. Convicted of larceny, October 14, 1874, and of escaping from jail, April 14, 1875: Superior Court, Suffolk County. Sentenced altogether to one year and ten months in jail. Pardon granted April 14, 1876, on the petition of Sheriff Clark, because the prisoner had served out his first sentence, and on account of his valuable services while in charge of the heating apparatus of the jail, and his uniformly good

behavior, it was thought no public interest would be endangered by his release, especially as he did not belong to the criminal class. His escape from jail was somewhat excusable, as it was owing to a ladder having been carelessly left against the wall by an employé.

No. 17. HARRIS R. BROWN. Convicted of assault and battery: Superior Court, Middlesex County, November 12, 1875. Sentenced to the house of correction for eighteen months. Pardon granted April 19, 1876, to take effect May 12, on the petition of Hon. E. R. Hoar, Hon. John S. Keyes, and the selectmen of Concord, because it was shown to the satisfaction of the Council that Brown, who was a police officer of Concord, without criminal intent in his over-zealous desire to arrest a man who had long evaded him, was only technically guilty of the charge of assault to which he pleaded guilty.

No. 18. BRIAN McKENNIFF. Convicted of larceny: Superior Court, Suffolk County, June 8, 1874. Sentenced to two years and six months in the house of correction. Pardon granted April 20, 1876, on the certificate of the prison physician that the prisoner was very sick with quick consumption and could not live many days. He was removed to the house of a brother, where he died within a few days from his release.

No. 19. THOMAS H. LORD. Convicted of larceny: Superior Court, Suffolk County, March term, 1875. Sentenced to the house of correction for three years. Pardon granted April 29, 1876, on the certificate of the prison physician that the prisoner was very low with consumption and that he must soon die. His friends received and cared for him. His death occurred shortly after his removal from the prison.

No. 20. FRANK H. DYER. Convicted of breaking and entering: Superior Court, Suffolk County, October term, 1873. Sentenced to the house of correction for three years. Pardon granted April 29, 1876, on the petition of the mother, brother, and sister of the prisoner, because there was satisfactory evidence that the prisoner was very sick with a disease of the kidneys and not likely to recover. It was thought his life might be prolonged a few months by release from the depressing influences surrounding him in prison.

No. 21. ORLANDO M. PALMER. Convicted of arson: Superior Court, Middlesex County, October term, 1873.

Sentenced to four years in the state prison. Pardon granted May 6, 1876, on the petition of J. M. S. Williams, Robert O. Fuller, Joseph N. Bacon, John A. Gilman, and others, because (1) it was desired by the District Attorney who tried him, by the party who suffered most by his crime, and by the community generally where he lived; (2), his wife, who was in delicate health, and three children were dependent upon him for support; (3), his prison record was good, and he gave evidence of sincere repentance; (4), no public interest would have been subserved by his further imprisonment.

No. 22. THOMAS FOSTER. Convicted of violating the license law: Superior Court, Worcester County, January term, 1876. Sentenced to the house of correction for four months, and to pay a fine of \$250. Pardon granted May 26, 1876, to take effect upon the payment of the costs included in the first sentence, on the petition of the selectmen and others, citizens of Leominster, because the prisoner was not able, nor were his friends willing, to pay the fines imposed upon him. The District Attorney suggested this disposition of the case.

No. 23. GEORGE CLARY. Convicted of rape: Superior Court, Middlesex County, July 20, 1871. Sentenced to the state prison for life. Pardon granted May 26, 1876, on the petition of Mayor Stott, Francis Jewett, S. G. Mack, Hocum Hosford, Wm. E. Livingston, Geo. F. Richardson, John A. Goodwin, and others, citizens of Lowell. In the opinion of the present District Attorney, as well as the District Attorney who tried him, the prisoner has served as long a sentence as would now be imposed for the same crime. One associate in the crime had died, and another, equally guilty, had been pardoned after serving less than a year of his sentence.

No. 24. GEORGE E. JACKSON. Convicted of obtaining goods under false pretences: Municipal Court, Boston, January 25, 1876. Sentenced to six months in the house of correction. Pardon granted June 13, 1876, on the petition of Rev. Dr. A. A. Miner and others. The Council were satisfied that the prisoner had thoroughly reformed, and that an abridgment of his sentence would greatly encourage and aid him in his purpose to lead a correct life. He had a good home, where he would be surrounded by the best influences.

No. 25. MICHAEL TAYLOR. Convicted of larceny in

a building : Superior Court, Suffolk County, March 14, 1876. Sentenced to one year in the house of correction. Pardon granted June 13, 1876, on the certificate of the prison physician that the prisoner was very low with quick consumption and could live but a short time. He had friends who received him and would give him proper care. He died shortly after his release.

No. 26. JOHN CARY. Convicted of robbery : Superior court, Suffolk County, October term, 1872. Sentenced to the state prison for eight years. Pardon granted June 19, 1876, on the petition of Hugh J. Toland, W. D. Park, Francis W. Jacobs, W. W. Doherty, and others. Satisfactory evidence was furnished that the robbery was not attended by any injurious assault ; the property stolen was returned to its owner ; the prisoner appeared to have thoroughly repented of his crime ; his wife was very sick with consumption, and in a destitute condition, and needed his care and support.

No. 27. AZRO B. BARTHOLOMEW. Convicted of manslaughter : Superior Court, Suffolk County, December term, 1872. Sentenced to the state prison for six years. Pardon granted June 19, 1876, on the petition of Ginery Twichell, James F. C. Hyde, Lewis Rice, Isaac Adams, and others. The Governor and Council, upon a full examination, concurred in the opinion of the District Attorney who tried the case, and the city marshal who arrested the prisoner, that the ends of justice had been fully answered by his four and a half years' imprisonment, which was much in excess of the sentence they expected would be imposed.

No. 28. JOHN FORBES. Convicted of being a common and notorious thief, and of escaping from prison : Superior Court, Essex County, May 15, 1865. Sentenced altogether to twenty-three years and six months in the state prison. Pardon granted June 30, 1876, on the petition of the prisoner's sister, Mrs. Charles Snyder of New York, and many respectable citizens of New York City and Brooklyn, for the following reasons : His crimes, although numerous, had never been against the person or attended with breaking and entering, but generally consisted of larcenies of property of small value. His term of imprisonment had been very long, and his conduct, except in one instance, good. He had friends in New York who would furnish him with useful employment and give him a good home.

No. 29. EDWARD KNIGHT. Convicted of breaking and entering: Superior Court, Essex County, October term, 1874. Sentenced to the state prison for three years. Pardon granted June 30, 1876, on the petition of Francis J. Parker and Messrs. Allan Rogers, F. J. Babson, David W. Low, Benj. H. Corliss, Aaron Parsons, Francis Proctor, and nearly fifty others, respectable citizens of Gloucester, because satisfactory evidence was furnished he had thoroughly reformed and was sincerely penitent for the crime, which was of a trivial character, and would be surrounded by better influences than formerly. Many prominent citizens of Gloucester stood ready to aid and encourage him to lead a better life. His wife and two young children were dependent upon him for support.

No. 30. EDWARD W. WEST. Convicted of larceny: Superior Court, Plymouth County, June 27, 1871. Sentenced on three indictments to the state prison for ten years. Pardon granted July 8, 1876, on the petition of Rev. W. H. H. Murray, Francis Childs, Jonathan Stone, E. L. Norton, Weston Lewis, Caleb Rand, B. F. Stacey, and others. The prisoner had been in the hospital twenty-one months, and had undergone three operations for necrosis of the skull. He was greatly reduced physically, and his mind was somewhat affected. He had friends who would give him proper care and nursing.

No. 31. EUGENE HARMON. Convicted of assault and battery: Municipal Court, Boston, July 3, 1876. Sentenced to three months in the house of industry. Pardon granted August 12, 1876, because the prisoner was very sick with consumption, was steadily failing, and could not live many weeks. He had a comfortable home, where he could be properly cared for, and to which he was removed.

No. 32. JAMES KELLEY, *alias* MARTIN GILMORE. Convicted of breaking and entering: Superior Court, Suffolk County, October term, 1874. Sentenced to two years in the house of correction at Ipswich. Pardon granted August 12, 1876, because the prisoner was very sick with consumption and could not live many more days. He had a comfortable home, where he could be cared for while he lived.

No. 33. JAMES GIBBONS. Convicted of rescuing a prisoner from the hands of an officer: Superior Court, Suffolk County, December 16, 1871. Sentenced to one year in the house of correction. Pardon granted August

14, 1876. Gibbons had already served a sentence in the state prison for another offence, and this sentence was to take effect at the expiration of the former; but in consideration of very important service rendered the warden in preventing the escape of prisoners, and of thorough reformation, his sentence to the house of correction was remitted.

No. 34. CHARLES WILLIAMS, 2d. Convicted of burglary: Superior Court, Hampden County, December 24, 1870. Sentenced to eleven years in the state prison. Pardon granted August 23, 1876, on the petition of Col. E. H. Ball of Holyoke, the party robbed, Sheriff Bradley of Hampden County, Rev. William Rice of Springfield, and others, for the reasons, that he was thoroughly reformed, that no public interest would suffer by his release, and that he would be removed from his former associates, and surrounded by the best influences in a Christian family and home, where he would be aided in his purpose to lead a useful life.

No. 35. PATRICK TEEHAN. Convicted of breaking and entering: Superior Court, Hampshire County, December 27, 1875. Sentenced to two years in the house of correction. Pardon granted August 23, 1876, on the petition of Hon. George D. Robinson of Chicopee, Mayor Pearson, and twenty leading citizens of Holyoke, with the recommendation of the District Attorney and sheriff. It was clearly shown to the Council, that the prisoner, who was quite young, did not belong to the criminal class, and, although technically guilty, did not intend to commit a crime.

No. 36. JOHN CAHILL was convicted at the same time and for the same offence as Patrick Teehan, No. 35; and the circumstances were precisely the same as in that case.

No. 37. EUGENE DARLING. Convicted of robbery and maiming: Superior Court, Bristol County, September 18, 1861. Sentenced to the state prison for life. Pardon granted August 23, 1876, on the petition of T. Albert Taylor, Rev. S. H. Winkley, Rev. George L. Chaney, John G. Webster, and C. L. Heywood, and with the recommendation of the District Attorney, because (1) there was evidence that his deportment in prison had been good; (2) he had improved his opportunities for education; (3) he had an earnest purpose to become a good citizen; (4) and chiefly because he had served a longer

sentence than would probably be imposed now for the same offence.

No. 38. **GEORGE BUZZELL.** Convicted of breaking and entering: Superior Court, Essex County, May 14, 1875. Sentenced to two years in the house of correction. Pardon granted August 23, 1876, on the petition of John Cogswell, Frederic Willcomb, J. C. Underhill, John Perkins, and nearly one hundred other citizens of Ipswich, because satisfactory evidence was produced that his release would not be injurious to society and would be of great advantage to the prisoner, who had thoroughly reformed. Public sentiment in the vicinity was largely in his favor.

No. 39. **ERVIN RAYMOND.** Convicted of adultery, July 20, 1875: Superior Court, Berkshire County. Sentenced to the house of correction for eighteen months. Pardon granted August 31, 1876, on the petition of Sheriff Root and the prison physicians, because the prisoner was very sick with consumption and could not live many weeks. Upon his release, he was taken to his father's home, where he would be cared for while he lived.

No. 40. **JOSEPH W. FOSTER.** Convicted of keeping an unlicensed dog: Municipal Court, Roxbury District, August 28, 1876. Sentenced to pay a fine of \$15 (fifteen dollars), and in default thereof committed to jail. Pardon granted August 31, 1876, on the petition of the party who complained of him, the judge who sentenced him, and the sheriff of Suffolk County, because he was ignorant of the law which he violated, and had always borne a good character. His services were needed by his family, who were in a condition of abject poverty.

No. 41. **WILLIAM HASKELL.** Convicted of breaking and entering: Superior Court, Barnstable County, October 20, 1875. Sentenced to fifteen months in the house of correction at East Cambridge. Pardon granted September 7, 1876, on the petition of the selectmen and eighteen others, leading citizens of Sandwich. The offence appeared to be a boyish freak rather than a deliberate crime. The District Attorney thought it entirely consistent with public safety that a pardon should be granted, and the Council concurred in that opinion.

No. 42. **MICHAEL BURKE.** Convicted of an assault: Charlestown District, Municipal Court, July 8, 1876. Sentenced to the house of correction at East Cambridge for four months. Pardon granted September 7, 1876, on

the petition of Ezra J. Trull, John B. Hebron, Edmund Keyes, and others, for the reason that certain facts and mitigating circumstances had come to light since the trial, which, had they been then known, would have resulted in a lighter sentence. The complainant and the person assaulted joined in the petition.

No. 43. JOHN J. HANLON. Convicted of breaking and entering: Superior Court, Essex County, May 17, 1875. Sentenced to the house of correction for two years and six months. Pardon granted September 28, 1876, on the petition of the sheriff of Essex County, the overseers of the house of correction, and the prison physicians, because the prisoner was in the last stages of consumption. He had friends who received him, and would care for him while he lived.

No. 44. PATRICK REAGAN. Convicted on two complaints of violating the license law: Superior Court, Suffolk County, June 22, 1876. Sentenced on one complaint to pay a fine of \$150 (one hundred and fifty dollars), and on the other to three months in the house of correction. Pardon granted September 28, 1876, with the condition the fines shall be paid, together with all the costs. The District Attorney certified that the cases against the prisoner should have been treated as one; and that but for his absence, they would have been so regarded, and but one sentence given. He was of the opinion, therefore, that justice to the prisoner required his release, and the Council concurred in this opinion.

No. 45. ABRAHAM PARSONS. Convicted of an attempt to ravish: Superior Court, Berkshire County, January 23, 1875. Sentenced to the house of correction for three years. Pardon granted September 30, 1876, on the petition of Rev. C. Collard Adams, Justus Tower, H. M. Owen, and many other citizens of Lanesborough, because the true character of the witness, upon whose testimony he was convicted, and other facts not known or made fully to appear at the trial, rendered it very doubtful if the prisoner was guilty of so grave an offence, if indeed he was guilty of any crime at all.

No. 46. RICHARD SPRING. Convicted of (1) larceny, (2) of drunkenness, (3) of being an idle and disorderly person, before Trial Justice Littlefield, of Winchester, July 27, 1876. Sentenced to pay fines and costs, amounting altogether to \$43.35 (forty-three dollars and thirty-five

cents), and in default thereof committed to the house of correction. Pardon granted September 30, 1876, because the offences, which were committed at the same time, were very trivial, and the prisoner was unable to pay the fine and costs. The trial justice and the selectmen of Winchester, who were the complainants, thought that no public interest would be subserved by his longer confinement, and the Council concurred in this opinion.

No. 47. JOHN F. TULLAR. Convicted of manslaughter: Superior Court, Berkshire County, July 17, 1872. Sentenced to fourteen years in the state prison. Pardon granted October 11, 1876, on the petition of A. G. Waterman, Frank W. Rockwell, William T. Filley, George Y. Learned, H. J. Dunham, H. J. Canfield, John Crosby, Jr., Thomas Post, Graham A. Root, Henry W. Taft, E. M. Wood, Mason Van Deusen, Oliver Peck, and nearly one hundred other respectable citizens of Berkshire County, on account of his impaired health, both physical and mental, which had kept him in the hospital for several months under treatment for a disease believed to be incurable; viz., necrosis of the bones of the skull. His crime was committed under great provocation, and, in some degree, in self-defence.

No. 48. PHILIP GOLDSTEIN. Convicted of arson: Superior Court, Suffolk County, December term, 1873. Sentenced to state prison for ten years. Pardon granted October 11, 1876, because, after several protracted hearings, the Council were satisfied, from evidence not made fully to appear at the trial, that Goldstein was not the principal in the crime; and even if he was accessory (which was doubtful), he had suffered as long an imprisonment as would have been imposed upon him had he been convicted of such a connection therewith.

No. 49. REUBEN P. CHARTERS. Convicted of driving faster than the law allows: Municipal Court, Boston, August 22, 1876. Sentenced to pay a fine and costs, amounting to \$30 (thirty dollars), and committed to jail in default thereof. Pardon granted October 11, 1876, on the petition of Sheriff Clark, Peter Butler, and Thomas F. Temple, because there was satisfactory evidence that no crime was intended, it being a case of criminal carelessness resulting in no harm to anybody. The prisoner had always borne a good reputation, and had a wife and

several small children dependent upon his earnings for support.

No. 50. ANNA EVERETT. Convicted of larceny in a building: Superior Court, Suffolk County, October 13, 1874. Sentenced to three years in the house of correction at East Cambridge. Pardon granted October 20, 1876, on the petition of the master and physician of the house of correction, because the prisoner was fatally sick with consumption and would probably live but a short time. Upon leaving the jail, she was received into the Consumptives' Home, in Boston, where she would be properly cared for.

No. 51. JAMES A. HERN. Convicted of assault and battery: Police Court, Fitchburg, September 28, 1876. Sentenced to the house of correction for six months. Pardon granted October 20, 1876, on the petition of the special justice of the court, by whom he was convicted, because facts had been discovered since the trial, which, had they then been known, would have led the justice to impose a small fine or a few days imprisonment.

No. 52. JOHN BUCKLEY. Convicted of assault and battery: Superior Court, Suffolk County, March term, 1876. Sentenced to the house of correction for nine months. Pardon granted October 31, 1876, on the petition of Rev. W. A. Blenkinsop, T. F. Fitz Gerald, Rev. Joseph H. Clinch, P. A. Collins, Patrick Donahoe, and others, because of evidence discovered since the trial that the assault was the result of criminal carelessness, by which no one was injured. The family of the prisoner who were dependent upon him for support, were in a condition of abject poverty, and must have been sent to the almshouse had he not been released.

No. 53. THOMAS D. KEHOE. Convicted of violating the license law: Superior Court, Berkshire County, January 28, 1876. Sentenced to three months in the jail, and to pay a fine of \$400 (four hundred dollars). Pardon granted October 31, 1876, upon the petition of Shepherd Thayer, S. Johnson, J. T. Robinson, and other citizens of North Adams, because the Council were satisfied that the prisoner having been imprisoned nine months, the ends of public justice would not be subserved by his longer detention. He was wholly unable to pay the fine, and had a wife and several small children dependent upon him for support. He agreed to give up the business entirely.

No. 54. JOHN A. CREPEAN. Convicted of assault with intent to rape : Superior Court, Suffolk County, May term, 1872. Sentenced to the state prison for ten years. Pardon granted November 1, 1876, on the petition of Geo. Woods & Company, P. A. Collins, T. L. Jenks, Henry T. Knight, and others. Satisfactory evidence was presented to the Council that the crime was committed while the prisoner was under the influence of liquor, and that it was in fact only an indecent assault, resulting in no injury to the person assaulted. His family in Canada were ready to receive him and give him employment. A condition of the pardon was, that he should go at once to Canada, and not return to Massachusetts before May, 1882.

No. 55. WILLIAM A. GLOVER. Convicted of being accessory before the fact to breaking and entering a bank : Superior Court, Suffolk County, January term, 1872. Sentenced to twelve years in the state prison. Pardon granted November 24, 1876, after several protracted hearings, and the most careful investigation. There was evidence beyond reasonable doubt, much of which had come to light since the trial, that Glover was not accessory before the fact, and so little evidence that he was even accessory after the fact, that the Council unanimously recommended a pardon.

No. 56. JOSEPHINE TAYLOR. Convicted of larceny : Police Court, Somerville, October 4, 1876. Sentenced to pay a fine of \$20 (twenty dollars) and costs, and in default thereof, committed to the house of correction. Pardon granted November 24, 1876, on the petition of the mayor, chief of police, justice, special justice, and clerk of the police court, all of Somerville, because she was wrongfully convicted. The person who committed the crime has been arrested and is now undergoing sentence.

No. 57. JAMES H. BENNETT. Convicted of embezzlement : Superior Court, Suffolk County, September term, 1875. Sentenced to the house of correction at Dedham for two years. Pardon granted November 24, 1876, to take effect November 29, on the petition of Rufus S. Frost, John H. Reed, I. Avery Richards, Geo. O. Carpenter, A. P. Blake, Albert A. Folsom, John S. Haley, Addison Boyden, and others, because the prisoner's health was greatly impaired, and his life would doubtless have been sacrificed by another winter's imprisonment. His

minor children and aged mother needed the results of his labor for their support, and his friends would give him light and remunerative employment.

No. 58. THOMAS COQUE. Convicted of murder in the second degree : Supreme Judicial Court, Suffolk County, December 21, 1863. Sentenced to the state prison for life. Pardon granted November 30, 1876, on the recommendation of the Warden for a Thanksgiving pardon. The prisoner's conduct during his confinement had been good.

No. 59. JOHN H. GILDER. Convicted of rape : Superior Court, Berkshire County, January term, 1863. Sentenced to the state prison for life. Pardon granted upon the recommendation of the Warden for Thanksgiving Day. His conduct while in prison had been uniformly good.

No. 60. JOHN DONAHOE. Convicted of rape : Superior Court, Suffolk County, July term, 1872. Sentenced to the state prison for fifteen years. Pardon granted December 12, 1876, on the petition of Samuel A. Green, Andrew J. Hall, Alphonso J. Robinson, Francis W. Jacobs, and Amos L. Noyes. The District Attorney, who had thoroughly investigated the case, recommended a pardon, and there was proof beyond a reasonable doubt that the prisoner was not guilty of so great a crime as that of which he was convicted, but of one for which he should have received a comparatively light sentence.

No. 61. WILLIAM COTNAM. Convicted of breaking and entering, July 18, 1876 : Superior Court, Middlesex County. Sentenced to two years in the house of correction. Pardon granted December 22, 1876. The District Attorney certified that there was a misunderstanding of the case when he was sentenced, and that a different disposition should have been made. The District Attorney's evidence was supported by affidavits of other persons to the same effect.

No. 62. WILLIAM L. BROWN. Convicted of larceny : Superior Court, Suffolk County, June 20, 1876. Sentenced to the house of correction for two years. Pardon granted December 22, 1876, because there was abundant evidence that he was sick with consumption and failing very fast. He was removed to his father's house, where he would receive proper care.

No. 63. CHARLES COLLINS. Convicted of an assault upon an officer : Superior Court, Suffolk County, June

term, 1876. Sentenced to one year in the house of correction. Pardon granted December 29, 1876, because he was sick with consumption and rapidly failing. He was removed to his father's house, where he would be properly cared for while he lived.

No. 64. JAMES SULLIVAN. Convicted of highway robbery: Superior Court, Suffolk County, November term, 1873. Sentenced to five years in the state prison. Pardon granted December 29, 1876. Certain facts bearing upon the case had been discovered since the trial, which, had they then been known, would have secured a lighter sentence. The prisoner was but sixteen years of age at the time of his conviction, and for the same offence now, would probably be sent to the reform school instead of the state prison. His conduct while in prison was good.

[To the Senate, February 16.]

I have the honor to transmit herewith, for the information and use of the General Court, the Report of the Manager of the Troy and Greenfield Railroad and Hoosac Tunnel, for the year ending December 31, 1876.

[To the Senate, February 19.]

I have the honor herewith to transmit, for the information and use of the General Court, the last Annual Report of the Trustees of the Massachusetts Agricultural College, with accompanying documents.

[To the Senate, March 9.]

I have the honor herewith to transmit, for the information and use of the General Court, the Report of the Adjutant-General of the Commonwealth, for the year ending December 31, 1876.

[To the House of Representatives, March 17.]

In reply to the Resolve of the House of Representatives of the 1st instant, requesting me "to communicate to the House, if consistent with the public interests, whether any, and if so, what action has been taken under chapter fifty-seven of the Resolves of the year 1876, instructing the Attorney-General, with the approval of the Governor and Council, to institute proceedings against certain officials of the Boston and Albany Railroad," I have the honor to submit the accompanying copies of correspondence relating thereto.

[To the Senate, May 15.]

I have the honor herewith to transmit, for the use and information of the General Court, the Annual Report for the year 1876, of the Commissioner of the Mystic River Corporation.

[To the Senate, May 15.]

I hereby return to the honorable Senate, in which it originated an Act "in relation to the Sale of Intoxicating Liquors," and respectfully ask the Legislature to consider some of the principal objections to its approval.

It appears to me that upon a subject lying so near the morals and habits of our people as does the social use of intoxicating liquors,—one upon which there is wide diversity of opinion, and in respect to which we are compelled to seek the best practical results, rather than to solve questions of casuistry, legislation ought not to be fitful and intermittent, and the statutes ought not to be changed unless some palpable form of evil is resulting, or unless the change proposed is clearly demanded by public opinion.

The existing law to regulate the sale of intoxicating liquors has, in its present form, been in force only about twelve months, and has been only partially tested. I am of opinion now, as when I entered upon executive duties, that it is clearly the wish of a great majority of the people of the Commonwealth that the law and the principle upon which it is founded shall have an exhaustive and, so far as possible, a demonstrative trial. In this way only can we make any real progress in a matter beset on every hand with embarrassing difficulties. I trust that it is only to declare your own opinion to say, that this subject is too weighty an one to be made a plaything in politics; and thousands of suffering women and children are looking with beseeching solicitude to the state authorities to deal with the evils of intemperance only with patient investigation and wise discretion. There are no evidences of flagrant evils resulting from the present law; but, on the contrary, the sale of spirituous liquors to be drunk on the premises has been constantly diminishing; and there is, so far as I know, no public opinion demanding new legislation on the subject. I respectfully submit, that the fact that a majority of the members of a legislative assembly is so constituted as to be able to pass laws not

demanding by the public welfare is not of itself sufficient to justify such legislation ; but, on the other hand, as has been wisely said, "Every act of authority of one man over another, for which there is not an absolute necessity, is tyrannical."

It is a settled fact that no legislation can perfectly extirpate the use of intoxicating liquors as a beverage ; and all the forces of Christendom have not been able by any means to accomplish that result ; and if there be pagan or non-Christian countries where abstinence from the use of spirituous liquors has been enforced by absolute authority, even those people have other stimulants not less hurtful and pestiferous in their indulgence. It is a fact of history in the past experience of this Commonwealth, that extreme laws on this subject have not been effective ; and their impotency has not always arisen from indisposition to enforce them, on the part of those charged with that responsibility, but from inherent difficulties which lie in the way of their administration. Any other conclusion than this, supposes that some of the purest men who ever held executive and judicial offices in this State have been false to their own previous belief, to their open avowals of opinion, to their personal honor and to their oaths of office. There is nothing else in the known characters of these men, nothing discernible in any other of their relations to society, which tolerates the suspicion either of their dishonor or dishonesty ; and they stand acquitted in the public judgment of any dereliction of duty in this particular also.

But while it is impracticable to enforce laws universally prohibitive, it is possible to enforce laws which become practically prohibitive in a great majority of towns and cities, and which effectively regulate and restrain the sale of liquors in other places where prohibition utterly fails. This is the characteristic of the law now in force. It is prohibitory in more than two-thirds of the cities and towns of the State to-day ; it is regulative in others, and contains the principle of local option applicable everywhere. It absolutely prohibits the sale of intoxicating liquors unless by license from some particular city or town, and it permits no city or town to issue a license except under provisions already about as stringent as can be enforced. The State, as such, licenses nobody ; and if liquors are sold by license in any place it is because the municipal

authorities of that place have granted the license. If liquors are sold anywhere without license, the remedy is apparent and effective, as the records of the courts and numerous inmates of the houses of correction in different counties testify.

Permit me to remind you in this connection of some of the provisions of the existing law respecting the conditions upon which a license in any town or city may be granted. Every license must be signed by the selectmen of the town in which the license is held, or if a city, then by the mayor and aldermen, or by license commissioners, as the case may be; and these bodies may either of them refuse to grant any licenses at all, or may limit the number at any point at their discretion.

“ Each license shall be expressed to be subject to the following conditions :—

“ *First.* That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

“ *Second.* That no sale of spirituous or intoxicating liquor shall be made between the hours of twelve at night and six in the morning, nor during any part of the Lord's Day, except that if the licensee is also licensed as an innholder, he may supply such liquor to guests who have resorted to his house for food or lodging.

“ *Third.* That no liquor except such as is of good standard quality and free from adulteration shall be kept or sold on the premises described in the license.

“ *Fourth.* That no sale or delivery of liquor shall be made on the premises described in the license to a person known to be a drunkard, or to any intoxicated person, or to a minor.

“ *Fifth.* That there shall be no disorder, indecency, prostitution, lewdness or illegal gaming on the premises described in the license, or on any premises connected therewith by any interior communication.

“ *Sixth.* That the license, or a copy thereof, certified by the clerk of the city or town by which it was issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

“ *Seventh.* It shall be further expressed in each license that it shall be subject to a forfeiture as herein provided, for breach of any of its conditions; and that in case the licensee is convicted in any court of competent jurisdiction of having violated any of such conditions, his license shall thereupon become void.”

It is also further provided that every holder of a license, besides paying his fees therefor, shall file with the city or town treasurer a bond in the sum of one thousand dollars, signed by the licensee and sufficient sureties, jointly and severally liable for the payment of all costs, damages and fines incurred by violation of the provisions of the law; and the parties are liable to suit in any court of competent jurisdiction. The premises of licensees are at all times liable to visitation and inspection, and their liquors to analysis, to test their quality and freedom from adulteration.

Violators of the law are liable to forfeiture of license, to fine and imprisonment; and the statute also contains many other stringent provisions too lengthy to be here stated.

Turning to the consideration of the proposed Act, one fact developed by its passage is too important to be passed without special notice, as indicating an essential change in opinion upon the whole subject under discussion. Hitherto the culminating objection to the present and to all similar laws by earnest advocates of that side, has been against any form of license; yet, notwithstanding the Act now proposed involves direct provisions of license at local option, I observe by analysis of votes upon two bills of the present session, that a large majority of those who voted for the prohibitory bill (so called) in April, voted for the principle of license embodied in this bill in May. It may, therefore, be assumed that by general consent the principle of license has been eliminated from future discussion and legislation upon this subject, and that the most serious objection that has been urged against the present law has been abandoned.

The principle involved in the existing law and in the Act herewith returned being substantially the same, the question of the expediency of substituting the latter for the former is reduced simply to a choice of regulations. The present law, as to its main features, went into effect on the first day of May, 1875; and provisions for its better enforcement were adopted and made effective on the 25th of April, 1876. We have, therefore, only fractions of entire years by which we can make statistical comparison. But I am able to give some approximate results as indicative of the tendency of the law.

As already observed, the State issues no licenses whatever; the question being now one entirely of local option. The first inquiry, therefore, is what proportion of the cities and towns have granted licenses under this option? The whole number of cities and towns in Massachusetts is three hundred and forty-two (342), and of these, less than one hundred, or less than thirty per cent. of the whole number, had granted any licenses at the close of the year 1876. The present law is therefore absolutely prohibitory in more than seventy per cent. of the whole number of municipalities in the State. If liquors are sold in these towns, the sale is in violation of law, and the local authorities have power to enforce the penalties.

I have not full returns from the cities and towns where licenses have been authorized, but from returns furnished by the chief detective of the Commonwealth, at the beginning of the present year, from two hundred and thirty-five (235) towns and cities, or from some more than two-thirds of the whole number, it appears that the whole number of arrests for drunkenness in those places was in the year 1874, 25,740; in the same places, like arrests in 1876, 18,696,—showing a decrease of 7,044 between the last year of the prohibitory law and the first year of the license law, in 235 towns.

The chief of police of Boston sent me the following statistics of results in this city for the year 1876:—

| | |
|--|--------|
| Number of arrests for drunkenness in 1874, | 11,880 |
| of arrests for drunkenness in 1876, | 8,564 |
| <hr/> | |
| Showing a decrease of | 3,316 |
| | |
| Total number of prosecutions under liquor law, | 4,028 |
| of gallons of liquor forfeited, | 26,888 |
| of places abandoned as to sale in | |
| Boston in 1876, | 619 |

That visible drunkenness has diminished in our streets will be admitted by every candid observer; indeed, an intoxicated person is seldom seen abroad, and there is a growing sentiment against intemperance. Drunkenness is no longer condoned in respectable society, and the fashion of the times, as well as the moral sentiment of the people of all classes, is forming against it.

The use of liquors is no longer considered essential to occasions of public hospitality, and recent significant examples have been given of their entire disuse. It would not be true to attribute the whole of this gratifying progress of temperance to the existing law; but the law is one of the conditions of society wherein this awakening has taken place; and to me it seems inexpedient to supplant so serviceable and so acceptable an instrumentality, in order to try chances in a new field of experiment, with the hazard of losing all that has been gained, and all that may be reasonably hoped for.

The feature of the proposed law which can be especially commended, is the earlier closing of licensed places at night; but this is not in fact essential, inasmuch as any evil at present arising therefrom can be otherwise remedied.

The limitation of the number of licenses to one for every thousand inhabitants is a provision of doubtful value as compared with the present plan of leaving the number at the discretion of municipal authorities, and holding them accountable to public opinion for any excess of numbers or delinquency in the enforcement of the conditions upon which they are granted. Besides this, it is desirable that the laws shall bear as equally as possible upon all communities to which they are applied; and the provision in question may work a violation of the just rights of towns, by disfranchising them of prerogatives to which, with other towns, they are justly and constitutionally entitled. Thus, under such a provision, it would be possible for a majority of the voters (perhaps not more than one hundred persons) in a town of one thousand inhabitants, to grant a license, while in another town of nine hundred and ninety-nine inhabitants, all voting for a license, no license could be granted. Such a provision has a strong savor of injustice and inequality, and would be a bad element in the administration of any law of which it should form a part.

The provision for the appointment of town constables in such number as may be necessary to maintain the laws and preserve the peace of neighborhoods, is already covered by the General Statutes.

I cannot but believe that the provisions of this proposed Act are so needless, so onerous and so offensive as compared with the present law upon the subject, that its enactment would arrest the existing healthy and steady progress of the cause of temperance and sobriety throughout the

Commonwealth. The noble men and women engaged in the work of the reform clubs have accomplished results before which the power of legislative restraints dwindles into insignificance. They have brought into activity the social and loving elements in human nature, and leaving angry discussion of abstract principles and coercive measures out of account, have directed their persuasive appeals to the individual heart and conscience.

Just now, also, this work is becoming lifted into the atmosphere of religious influence and religious duty; and men are beginning to see that reformation lies not so much in outward restraints, but in the inward purity of heart. These earnest reformers are not suppliants for any change in the liquor law now, but they are enlisting the sympathies and securing the approbation of good people everywhere, to an extent which guarantees that their labors will be supplemented, at every advance, by any legal provisions which experience may show to be useful to their success.

I believe the enactment of the proposed law would greatly impede their work by introducing a new element of discord into the discussion, by diverting attention from their successful methods, and by furnishing their enemies with plausible excuses for setting the law at defiance.

I respectfully ask the General Court to give impartial consideration to these objections, and to others which a reëxamination of the bill can scarcely fail to suggest.

[To the Senate, May 16.]

I respectfully return to the honorable Senate, in which it originated, the bill entitled "An Act to further define the policy of the Commonwealth in regard to the Hoosac Tunnel and the Troy and Greenfield Railroad," with regret that I cannot give it my approval.

Should this bill become a law, it would constitute a contract between the Commonwealth and any railroads which should enter into contracts with each other under it, which could not be changed by any subsequent Legislature within the period of seven years. The bill consists of three sections, and from a careful examination of them, it would appear that the first and the larger part of the third are but reënactments of provisions of the General Railroad Act of 1874, relating to the rights and duties of connecting railroads, and the power of the Commonwealth

to purchase railroads or to regulate the rates of fare and freight upon them. Not only are they reenactments of statute provisions which now are and long have been in force, but as it appears to me, they reenact them in a form less effective than that in which they already exist. The sections referred to of the General Railroad Act of 1874, contain both an executory force and a penalty for their infraction, which I do not find in any part of the bill herewith returned. I am, therefore, of opinion that, in so far as relates to these matters, the rights and interests of all concerned are more effectually guarded without than with the passage of the bill under consideration.

There remain to be considered only the second section of the bill and the last part of the third. By these a policy as respects the Troy and Greenfield Railroad and the Hoosac Tunnel, established by chapter 77 of the Acts of 1875, known as the Toll-Gate Act, is declared to be the established policy of the Commonwealth for a period of seven years, and all railroad corporations are invited to enter upon contracts for that space of time in full reliance thereon; while it is further provided that all the contracts thus entered into, whether between corporations alone, or between corporations and the State, shall, if covering a period of over six months, be subject to the approval of the Governor and Council; finally, it is expressly provided that in case of a change of policy on its part within the seven years, and a consequent failure to carry out the provisions of this and other Acts, the Commonwealth shall incur no liability to any one.

The clause last referred to is, as I understand it, intended to provide for the not improbable contingency of a change of mind and subsequent policy on the part of future Legislatures. As a business arrangement with business men, this clause, therefore, seems to be somewhat in conflict with the declared object of the bill, as it goes to render the proposed agreement binding from the start only on one party to it. So far as the Commonwealth is concerned, however, this saving clause does not affect the general character and purport of the Bill, which is intended to establish the toll-gate policy, so called, as the fixed policy of the Commonwealth towards both the Hoosac Tunnel and the Troy and Greenfield Railroad for a period of years. Its enactment into a law would practically have that effect. I find myself compelled, there-

fore, to consider these provisions of the bill in this light, and from two different points of view; and from neither am I able to approve of them. As a binding seven years' contract, they have, in the first place, a very immediate bearing on great commercial and financial interests of the Commonwealth; and, in the second place, a very close connection with its political system.

In both of the annual addresses which I have had the honor to submit to the Legislature, I have endeavored clearly to state my own profound conviction that the only way in which the Commonwealth could hope to reap any benefit from the Tunnel line, at all proportionate to its vast cost, was through the energetic and comprehensive development of that line in the way in which other similar lines leading to other seaboard cities have been developed. Under these circumstances, it seems to me very undesirable that the Legislature should now, in so far as it can, bind the Commonwealth irrevocably, for the long period of seven years, to a policy in connection with this line which is confessed to be purely experimental.

I feel assured that no business men of ordinary shrewdness, in dealing with their private interests, would under similar circumstances adopt such a course. It is to be remembered that the Tunnel line has already cost the Commonwealth about \$18,000,000, which amount must swell to not less than \$25,000,000 before the seven years, for which it is now proposed to tie it up, have elapsed. Where such a vast interest is at stake, it does not seem to me prudent for one Legislature to commit succeeding Legislatures in advance to such a policy. Especially is this the case in regard to a railroad enterprise. With them unforeseen contingencies are always presenting themselves; and, as the system year by year develops, it undergoes perpetual changes which take even the most clear-sighted by surprise. The Tunnel line, for instance, was built to insure railroad competition; but the roads with which that line is to compete are also connecting roads with it.

With the well-known astuteness of railroad officials brought to bear on the subject, it is easy to conceive the possibility of making a few apparently harmless contracts, outside or inside of the State, through which the Commonwealth might too late find itself committed for the space of seven years to a practical paralysis of the whole Tunnel enterprise.

If it were merely a question of policy as respects a business enterprise, however, I should not perhaps feel compelled to withhold my consent from this bill. But, from a political point of view, the case is even stronger. In my last annual address to the Legislature I took occasion to express the opinion that the management of a railroad enterprise by the Governor and Council was "not in accordance either with the best interests of the property nor with the proper functions of the executive department of the government." And I asked "your consideration of the relief of the executive department of its charge." Further reflection and experience have only served to confirm me in the soundness of these views. When the Act of 1875 establishing the so-called Toll-Gate System was approved by my predecessor in office, the completion of the Tunnel was the work in hand, the case was exceptional, and the duty imposed on the executive was apparently temporary. This is no longer so. The present bill imposes on the executive department, for a long period, and as part of an established policy, the duties of a board of railroad directors, and not only this. It is further made the business of the Governor and Council to guard vast interests by the intelligent approval, not only of all the contracts having more than six months to run, made by a number of railroad corporations with the Commonwealth, but also of those made by those corporations with each other. A far more intimate knowledge of railroads and their management than those not trained to the work usually possess, is therefore imperatively demanded, not only from myself, but, *ex officio*, from all my successors. I can but again say that I do not think the management of a railroad any proper part of the functions of the Governor of Massachusetts. The people do not elect him with a view to his qualifications in this respect, and the present bill calls, moreover, for specific qualifications of a very high order.

Whether the Commonwealth ever should embark in any purely business enterprise, is a question in regard to which I cannot but entertain the gravest doubts; doubts which the Tunnel experience of Massachusetts has gone far to confirm. In the present case, however, the thing has been done; and the question of doing it is no longer to be considered. I can entertain no doubt that every public consideration demands that whatever enterprises of this

nature the Commonwealth may undertake, its business interests in them should be kept carefully distinct from its political functions; and that neither the Governor of the State should be *ex officio* president of its state railroad, nor the treasury of the State the treasury of a business enterprise. The present bill, therefore, I regard as peculiarly open to objection, in that it permanently imposes on the executive department of the government, functions of a purely commercial character never contemplated in the constitution.

Under the circumstances of a choice between the provisions of the bill under consideration and the Toll-Gate Plan as now untrammelled, I cannot but think it better to adhere to the latter as a tentative measure until some more satisfactory solution of the Tunnel question has been accomplished.

[To the Senate, May 17.]

I herewith return to the honorable Senate in which it originated, a bill entitled "An Act authorizing the appointment of Trustees of the State Lunatic Hospital at Danvers," and respectfully ask its further consideration for the following reasons:

The first section of the bill provides for the appointment of a board of trustees for the Danvers Hospital, with like powers and duties of similar trustees for the other lunatic hospitals of the State, and meets my approval as necessary legislation to provide for the government of this institution.

The second section provides that the trustees so appointed shall immediately supersede the commissioners who were appointed under chapter 239 of the Acts of 1873, and who now have charge of the erection of the hospital buildings, in the completion of work not included in the contracts made by said commissioners; with the further provision that on and after the first day of July next, said trustees shall assume full and exclusive management and control of said hospital and all matters and contracts relating thereto.

By chapter 239 of the Acts of 1876 the sum of \$450,000 was appropriated to be expended by the commissioners for the object, and under the conditions of their appointment; "provided, that no expenditure shall be authorized, and no part of said appropriation shall be paid until contracts have been made, with sufficient guaranty for their per-

formance, to the satisfaction of the Governor and Council, for the entire completion and finishing of the hospital and all its appurtenances, ready for use and occupation, for a sum not exceeding six hundred thousand dollars."

Under this provision, the commissioners executed a contract for the completion of the work on the buildings, and in the engineer's department, for the sum of \$400,000; and a smaller contract for building a barn, etc., for \$29,728. These contracts are now in process of execution under the direction of the commissioners, and there are no other important expenditures of money to be made by them. It would appear, therefore, that no injury, under any circumstances, is likely to accrue to the public interest from the continuance of the services of the commissioners to the completion of the contracts; while, on the other hand, it seems improbable that any board of trustees, appointed as their successors, could have an equally intelligent comprehension of their nature and proper fulfilment.

Moreover, the General Court at its present session, by chapter 137 of the Acts of 1877, ratified and confirmed the doings of these commissioners in submitting to reference the claim of *Edwin Adams v. the Commonwealth*, arising out of his contracts upon these hospital buildings. This claim embraces five hundred and seventy-eight items, amounting in the aggregate to about \$45,000, of which about \$25,000 is in dispute. By the term of the submission, the report of the arbitrators must be made to the supreme judicial court of the county of Suffolk, on or before the nineteenth day of September next. I am advised that the interests of the Commonwealth cannot be properly protected before the arbitrators without the official presence and aid of these commissioners. It would, therefore, seem that the services of the commissioners cannot be dispensed with, consistently with the public interests, until the contracts are substantially fulfilled and the arbitration ended.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties :—

SUFFOLK COUNTY.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-------------------------|-----------------------------------|-------------------|
| 1876. | | | |
| Jan. 10, . . . | May Rose Carlton,* | Florence May Pike, . . . | Boston. |
| 10, . . . | Josephine Spain,* | Josephine Pagani, . . . | Boston. |
| 17, . . . | Edward Everett Balch,* | Edward Everett Kidney, . . . | Manchester, N. H. |
| 24, . . . | Elizabeth W. Work, | Elizabeth W. Cushing, . . . | Boston. |
| 31, . . . | Martha Elizabeth Keith, | Martha Elizabeth Dickinson, . . . | Boston. |
| Feb. 21, . . . | Clarence Henry Foster,* | Clarence Henry Orth, . . . | Boston. |
| 28, . . . | Solomon McNeal Dickey, | Neal Solomon Dickey, . . . | Boston. |
| 28, . . . | Lawrence Conway,* | Edward Lawrence Boss, . . . | Boston. |
| Mar. 6, . . . | Rosa Lewis Warren,* | Mary Elizabeth Hildreth, . . . | Boston. |
| 13, . . . | Minnie Frasier,* | Jennie A. Stuart, . . . | Chelsea. |

CHANGE OF NAMES.

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|-----------|----------------------------|---|---|---|--------------------------------|---|----------|
| Apr. 10, | John Joseph Brennan,* | . | . | . | John Joseph Donahoe, | . | Boston. |
| May 8, | Charles Upham, | . | . | . | Charles James Upham, | . | Boston. |
| 15, | Herbert Whiting Mahoney, | . | . | . | Herbert Merrill Whiting, | . | Boston. |
| 29, | Frank Willard Seabury, | . | . | . | Frank Seabury, | . | Boston. |
| 29, | Ida May Morrison,* | . | . | . | Lydia Ann Stewart, | . | Boston. |
| 29, | Katie Fullington Shields,* | . | . | . | Katie Fullington Higgins, | . | Boston. |
| June 12, | Isaac Taylor Hoague, | . | . | . | Isaac Theodore Hoague, | . | Boston. |
| 19, | Mary Ann McGowan,* | . | . | . | Mary Ann McLaren, | . | Boston. |
| 19, | Henry Palmer,* | . | . | . | Henry Johnson, | . | Boston. |
| 26, | Mabel Bray, | . | . | . | Mabel Winslow, | . | Boston. |
| 26, | Clevenger Allston Powers,* | . | . | . | Clevenger Allston Eastman, | . | Boston. |
| 26, | Charles Parker Smith,* | . | . | . | Charles Parker Simmons, | . | Boston. |
| July 17, | Mabel Dunbar Warren,* | . | . | . | Mabel Sumner Power, | . | Boston. |
| Aug. 7, | Geneva Chase,* | . | . | . | Mary Leavitt Mallon, | . | Taunton. |
| Sept. 18, | Jane E. Parker,* | . | . | . | Elizabeth Loudon, | . | Monson. |
| Oct. 9, | Ellen Cleora Hartwell,* | . | . | . | Ellen Cleora Ganage, | . | Harvard. |
| 16, | Frederick Judd Smith,* | . | . | . | Frederick Judd Robinson, | . | Boston. |
| 23, | William Murphy,* | . | . | . | Tony William Washburn, | . | Boston. |
| Nov. 6, | Daisy Dudley Le Seur,* | . | . | . | Helen Bessie Rothwell Fernald, | . | Milford. |

* Names changed by reason of adoption.

SUFFOLK COUNTY — *Concluded.*

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-------------------------------------|--------------------------------|-------------|
| 1876. | | | |
| Nov. 13, . . . | Jeannette Eastman,* . . . | Gertrude Viana Byam, . . . | Boston. |
| Dec. 4, . . . | Ellen Elizabeth Littlefield,* . . . | Nellie Kezar Littlefield,. . . | Boston. |
| 11, . . . | Lucette Brown Rogers, . . . | Lucette Webster, . . . | Boston. |
| 14, . . . | Clarence Greenlaw,* . . . | Clarence Libby, . . . | Boston. |
| 18, . . . | Imogene Bailey,* . . . | Florence Imogene Crosby, . . . | Marblehead. |

ESSEX COUNTY.

| | | | |
|----------------|---------------------------------|--------------------------------|----------------|
| Jan. 10, . . . | Sarah E. Thurston,* . . . | Sarah T. Osgood, . . . | Haverhill. |
| 10, . . . | Georgiana Colburn Ward,* . . . | Georgiana Colburn Soper, . . . | Lawrence. |
| 24, . . . | Henry Emerson Raymond,* . . . | Henry C. Emerson, . . . | Salem. |
| Feb. 21, . . . | Grace A. Woodbridge,* . . . | Grace Maria Gray, . . . | North Andover. |
| Mar. 13, . . . | Octavia Grace Brown,* . . . | Grace Brown Noyes, . . . | Haverhill. |
| 27, . . . | Charles Leslie Ordway, . . . | Charles Leslie Currier, . . . | Newbury. |
| Apr. 3, . . . | Charles Steele, . . . | Charles Wallis Steele, . . . | Salem. |
| 17, . . . | Alma Maria Raddin,* . . . | Alice Upton King, . . . | Peabody. |
| 24, . . . | George Winchester Smith,† . . . | Winchester Smith, . . . | Salem. |

CHANGE OF NAMES.

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|----------|----------------------------------|---|---|------------------------------|---|---|----------------|
| May 1, | Sarah Anna Sophia Bonnell,* | . | . | Annie Bubier Gregory, | . | . | Marblehead. |
| 1, | William Edgar Gammel,* | . | . | Edgar Gregory, | . | . | Marblehead. |
| 8, | Mabel Allard,* | . | . | Flora Mabel Woodman,, | . | . | Lynn. |
| 15, | Nellie H. Cushing,* | . | . | Nellie H. Williams, | . | . | Gloucester. |
| 15, | Estella Perkins,* | . | . | Estella Clemons Kemp, | . | . | Lynn. |
| Aug. 7, | Stepto C. Bridges,† | . | . | Stephen Burger, | . | . | Salem. |
| 7, | Alice Hews,* | . | . | Carrie Grata Haynes, | . | . | Marblehead. |
| 7, | —— Towle,* | . | . | Fanny Woodbury Towle Foster, | . | . | Salem. |
| 7, | Alice Maria Barnard,* | . | . | Alice Maria Lewis, | . | . | Lynn. |
| Sept. 2, | Eli Everett Boynton, | . | . | Everett Boynton, | . | . | Swampscott. |
| 11, | Katie Bogen,* | . | . | Katie O'Brien, | . | . | North Andover. |
| Oct. 16, | Harry P. Collins,* | . | . | Harry P. Abbott, | . | . | Andover. |
| 16, | Sarah O'Brien,* | . | . | Sarah Ella Lakeman, | . | . | Lynn. |
| 16, | Mary Otis,* | . | . | Emma Jane Halsted, | . | . | Rockport. |
| Nov. 6, | Gertie Elvira Lee,* | . | . | Gertie Elvira Lee Cook, | . | . | Saugus. |
| 15, | George William Douglass Strout,. | . | . | George William Douglass, | . | . | Salem. |
| 20, | Laura Ann Harwood,* | . | . | Laura Harwood Gregory, | . | . | Marblehead. |
| 20, | Grace Williams,* | . | . | Grace Nevada Jellerson, | . | . | Lynn. |
| 27, | Willie Haight,* | . | . | William Daniel McCarn, | . | . | Salem. |

* Names changed by reason of adoption.

† No return of notice.

ESSEX COUNTY—*Concluded.*

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|--|------------------------------|-------------|
| 1876. | | | |
| Nov. 27, . . . | Mary Augusta Lowell, . . . | Agnes Augusta Lowell, . . . | Salisbury. |
| Dec. 4, . . . | Mary Robbarts, <i>alias</i> Mary Reynolds } Robinson, * . . . | Anna Monroe Warren, . . . | Gloucester. |
| | Julia Augusta Bartlett, * . . . | Julia Augusta Halsted, . . . | Rockport. |
| 16, . . . | Arthur Oren Neal, . . . | Arthur George Neal, . . . | Lawrence. |
| 16, . . . | Austin Parker Orren Neal, . . . | Austin Parker Neal, . . . | Lawrence. |
| 18, . . . | Nellie Edna Goldsmith, * . . . | Nellie Edna Purbeck, . . . | Salem. |
| 28, . . . | Mary Ellen Moore, . . . | Mary Seecomb Moore, . . . | Salem. |

MIDDLESEX COUNTY.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|------------------------------|---------------------------------|------------|
| Jan. 11, . . . | Edward Everett Hunt, . . . | Edward Harlow Duston, . . . | Lowell. |
| 11, . . . | Dillian Emmagene Rowe, . . . | Emmagene Rowe Cochran, . . . | Hudson. |
| 18, . . . | Maud Williams, . . . | Maud Edna Kenerson, . . . | Cambridge. |
| 25, . . . | William Bridges, . . . | William James Gahney, . . . | Cambridge. |
| Feb. 1, . . . | Lizzie Jane Hubert, . . . | Lizzie Jannette Raymond, . . . | Malden. |
| 8, . . . | Ouslow Leroy Moody, . . . | Winslow Leroy Leadbetter, . . . | Weston. |
| Mar. 23, . . . | Alice Gordon Campbell, . . . | Alice Gordon Hayes, . . . | Lowell. |

CHANGE OF NAMES.

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|----------|---|---|--------------------------|---|---|--------------------------|---|---|--------------|
| Mar 28, | . | . | Herbert Eugene Conant, | . | . | Herbert Eugene Pebbles, | . | . | Natick. |
| 28, | . | . | Lucy Perry Conant, | . | . | Lucy Perry Pebbles, | . | . | Natick. |
| 28, | . | . | Clara Amelia White, | . | . | Clara Amelia Parker, | . | . | Woburn. |
| Apr. 11, | . | . | Georgia E. Eggleston, | . | . | Georgia Eggleston Duane, | . | . | Springfield. |
| 25, | . | . | Hattie Jones, | . | . | Hattie Pinkham, | . | . | Lowell. |
| 25, | . | . | Kate Farr Blodgett, | . | . | Kate Blodgett Farr, | . | . | Lowell. |
| 25, | . | . | Richard Yapp, | . | . | Richard Yapp Nelson, | . | . | Boxborough. |
| May 2, | . | . | Carrie Hallet Norton, | . | . | Carrie Norton Turnbull, | . | . | Stoneham. |
| 2, | . | . | Blanch Smith, | . | . | Lillian Blanch Bunker, | . | . | Cambridge. |
| 2, | . | . | Patrick Callahan, | . | . | John Patrick Callahan, | . | . | Cambridge. |
| 16, | . | . | Edwin Barelay, | . | . | Edwin Sanderson, | . | . | Lowell. |
| 23, | . | . | Charles Edwin Booth, | . | . | Charles Edwin Ramsdell, | . | . | Cambridge. |
| June 13, | . | . | Nancy Jane Cook, | . | . | Nancy Jane May, | . | . | Groton. |
| 13, | . | . | Margaret O'Hare, | . | . | Margaret Magoun, | . | . | Medford. |
| 27, | . | . | Charles Eben Williamson, | . | . | Harvey Whitney Wilder, | . | . | Somerville. |
| 27, | . | . | Franklin Webster Hardy, | . | . | Franklin Webster Seavey, | . | . | Natick. |
| 27, | . | . | Charles Everett Hoar, | . | . | Charles Everett Wright, | . | . | Cambridge. |
| July 18, | . | . | Claud Augustus Davis, | . | . | Claud Augustus Swasey, | . | . | Lowell. |
| 25, | . | . | Robertine Geoffrion, | . | . | Tiny Marin, | . | . | Lowell. |

* Names changed by reason of adoption.

MIDDLESEX COUNTY—*Concluded.*

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-------------------------------|---------------------------------|--------------|
| 1876. | | | |
| July 27, . . . | John Kane, . . . | John Kane Carrier, . . . | Malden. |
| Sept. 5, . . . | Joseph Story, . . . | Warren Clark Potter, . . . | Cambridge. |
| 19, . . . | Kate May Dyer, . . . | Kate May Usher, . . . | Lowell. |
| Nov. 14, . . . | Grace Susan Horton, . . . | Grace Horton McClary, . . . | Waltham. |
| 21, . . . | Catharine Manning, . . . | Minnie Electra Pettigrew, . . . | Lowell. |
| Dec. 12, . . . | Mindora Fisher Daggett, . . . | Maud Fanny Dyar, . . . | Marlborough. |

WORCESTER COUNTY.

| | | | |
|----------------|-----------------------------|---------------------------------|--------------|
| Jan. 4, . . . | Lefe Maria Hall, . . . | Minnie Pray, . . . | Webster. |
| Feb. 1, . . . | Hattie Oriunda Smith, . . . | Harriet Oriana Wood, . . . | Millbury. |
| 15, . . . | George Henry Thomas, . . . | John Whitefield Griswold, . . . | Ashburnham. |
| 15, . . . | Catherine Kenney, . . . | Mary Catherine Brewer, . . . | Clinton. |
| Apr. 4, . . . | Roxa Temple Stone, . . . | Rose Tannynson Stone, . . . | Princeton. |
| June 20, . . . | Ida M. Cambridge, . . . | Ida M. Bliss, . . . | Worcester. |
| 20, . . . | — — — — — | William Henry Larha, . . . | Ashburnham. |
| July 5, . . . | Emily F. Pettet, . . . | Emily F. Remington, . . . | Southbridge. |

| | | | | | |
|----------------|-------------------------|-------|----------------------------|-------|-------------------|
| July 16, . . . | Cora Augusta Davis, | . . . | Cora Augusta Conneau, | . . . | Winchendon. |
| 18, . . . | Alice Maud Conant, | . . . | Alice Maud Conant Buck, | . . . | Warren. |
| 18, . . . | Charles Enzas Patrick, | . . . | Charles Enzas Frenney, | . . . | Gardner. |
| Sept. 5, . . . | Etta Florence Smith, | . . . | Florence May Peck, | . . . | West Boylston. |
| 5, . . . | Fred Ransom Taylor, | . . . | Ransom Fred Taylor, | . . . | Worcester. |
| 19, . . . | William White, | . . . | Paul Clifton Wheeler, | . . . | North Brookfield. |
| 19, . . . | Charles Sawyer Barrows, | . . . | Charles Edward Sawyer, | . . . | Worcester. |
| 19, . . . | Emma R. Howard, | . . . | Isabella Thurston Barrett, | . . . | Fitchburg. |
| 19, . . . | Etta Coffin, | . . . | Helen Louise Utley, | . . . | New Braintree. |
| Nov. 7, . . . | Bertha May Brigham, | . . . | Agnes Helen Aldrich, | . . . | Mendon. |
| Dec. 5, . . . | Nellie Baldwin, | . . . | Mabel Lucretia Prouty, | . . . | Spencer. |
| 5, . . . | Ethel F. Davis, | . . . | Ethel Frances Montgomery, | . . . | Leominster. |
| 19, . . . | Robert McKenna, | . . . | Harry Robert Lovell, | . . . | Worcester. |

HAMPSHIRE COUNTY.

| | | | | | |
|---------------|---------------------------|-------|-----------------------|-------|--------------|
| Jan. 4, . . . | Robert Allen Vandalinda,* | . . . | Robert Allen Burnham, | . . . | Easthampton. |
| 4, . . . | Fred A. Boynton,* | . . . | Fred A. McMaster, | . . . | Amherst. |
| Feb. 1, . . . | Caroline Emon,* | . . . | Caroline Milo, | . . . | Hadley. |

* Names changed by reason of adoption.

HAMPSHIRE COUNTY — *Concluded.*

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-----------------------------|---------------------------|---------------|
| 1876. | | | |
| Mar. 7, . . . | Joseph Alden Packard, . . . | Joseph Alden, . . . | Plainfield. |
| May 2, . . . | Ada Adell Smith,* . . . | Ada Adell Tower, . . . | Chesterfield. |
| 2, . . . | Alice Bertha Smith,* . . . | Alice Bertha Keith, . . . | Granby. |
| 9, . . . | Winnona A. Blair,* . . . | Winonna A. Bruce, . . . | Belchertown. |
| Dec. 5, . . . | Kate Mauren,* . . . | Kate M. Guernsey, . . . | Amherst. |
| 5, . . . | Amasa D. Skinner,* . . . | Amasa D. Nelson, . . . | Amherst. |

HAMPDEN COUNTY.

| | | | |
|---------------|------------------------------------|------------------------------|-------------------|
| Feb. 1, . . . | George Herbert Tuck, . . . | George Herbert Wright, . . . | Holyoke. |
| 1, . . . | Thomas Allen Macnamara, . . . | Thomas Arthur Allen, . . . | Springfield. |
| Mar. 7, . . . | Catherine Reilly, . . . | Fayolin Julia Hyde, . . . | . . . |
| 7, . . . | Frank Collins, . . . | Frank Gates Merriam, . . . | Springfield. |
| 7, . . . | Anna L. Barton, . . . | Anna L. Randall, . . . | West Springfield. |
| May 2, . . . | Louise Fay Kelley, . . . | Louise Fay, . . . | Westfield. |
| June 6, . . . | Clarence Van Deusen Fansler, . . . | Clarence Van Deusen, . . . | Westfield. |
| July 5, . . . | Iza Dritte Dixon, . . . | Iza Dritte Abbey, . . . | Palmer. |

| | | | |
|----------------|-------------------------------|---------------------------------|--------------|
| Sept. 5, . . . | Mary Jane Lagney, . . . | Mary Jane Beauchamp, . . . | Holyoke. |
| 12, . . . | Jennie E. Hastings, . . . | Jennie E. Brainard, . . . | Palmer. |
| 19, . . . | Lyman Root Harris, . . . | Lyman Root, . . . | Westfield. |
| Oct. 3, . . . | Grace Chenery Brown, . . . | Grace Chenery Foote, . . . | Newton. |
| 3, . . . | Esther Maria Hood, . . . | Esther Maria Angus, . . . | Springfield. |
| 3, . . . | Winfred Luther Howard, . . . | Winfred Howard Churchill, . . . | Springfield. |
| 3, . . . | Mabel Anna Howard, . . . | Mabel Anna Churchill, . . . | Springfield. |
| Nov. 8, . . . | Mattie Laura Graves, . . . | Caroline Estella Chapin, . . . | Springfield. |
| 8, . . . | Jessie May Pepperell, . . . | Jessie Mary Parker, . . . | Tewksbury. |
| 28, . . . | Lillian Lestina Foster, . . . | Lillian Lestina Champ, . . . | Springfield. |

FRANKLIN COUNTY.

| | | | |
|----------------|-----------------------------|------------------------------|-------------------|
| Feb. 1, . . . | (Infant) Walker,* . . . | Frank Adelbert Peek, . . . | Shelburne. |
| Mar. 14, . . . | (Infant) Wilby,* . . . | Jennie Lillian Jacobs, . . . | Brattleboro', Vt. |
| June 24, . . . | Estella Haley,* . . . | Estella H. Knapp, . . . | Warwick. |
| 24, . . . | Annie Lewis Sampson,* . . . | Anna Lewis Carpenter, . . . | New Salem. |
| July 5, . . . | Mabel A. Blakslee,* . . . | Mabel A. Dexter, . . . | New Salem. |

* Names changed by reason of adoption.

BERKSHIRE COUNTY.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|------------------------------|---------------------------------|-------------|
| 1876. | | | |
| Jan. 4, . . . | Lillie B. Haydon, . . . | Lillie Bell Lee, . . . | Becket. |
| 6, . . . | Emma J. Shattuck, . . . | Emma Josephine Haley, . . . | Adams. |
| Apr. 4, . . . | Mary Adeline Veats, . . . | Adaline Jacobs, . . . | Dalton. |
| June 6, . . . | Eva May Hemenway, . . . | Eva May Corbit, . . . | Pittsfield. |
| July 20, . . . | Carrie Alice Towle, . . . | Delight E. Lindsey, . . . | Adams. |
| Sept. 5, . . . | Hattie Augusta Murray, . . . | Hattie Augusta French, . . . | Pittsfield. |
| 5, . . . | Harriet Eliza Batey, . . . | Hattie Augusta Carpenter, . . . | Richmond. |
| Dec. 5, . . . | William B. Boss, . . . | William B. Boss Arnold, . . . | Adams. |

NORFOLK COUNTY.

| | | | |
|----------------|----------------------------------|---------------------------------|-----------|
| 1875. | | | |
| Dec. 15, . . . | McKean Clifford Churchill, . . . | McKean Gardner Churchill, . . . | Milton. |
| 1876. | | | |
| Apr. 19, . . . | Violet Leonora Brooks,* . . . | Violet Brooks Pond, . . . | Norwood. |
| July 5, . . . | Ella Hattie Cobb,* . . . | Ella Hattie Blake, . . . | Wrentham. |
| Nov. 8, . . . | Patrick Mullen, . . . | Henry Mullen, . . . | Quincy. |
| Dec. 6, . . . | James Wadsworth Sampson,* . . . | Arthur Ashley Sprague,. . . | Quincy. |

CHANGE OF NAMES.

773

BRISTOL COUNTY.

| | | | | | | | | | | |
|----------|---|---|-----------------------------|---|---|---|---------------------------------|---|---|---------------|
| Jan. 21, | . | . | Hannah W. Borden, | . | . | . | Annie W. B. Baker, | . | . | Fall River. |
| Feb. 18, | . | . | Elisabeth Heunt, | . | . | . | Cecilia Gertrude Heinich, | . | . | Fall River. |
| Mar. 17, | . | . | John Valentine, | . | . | . | George J. Leonard, | . | . | Taunton. |
| Apr. 7, | . | . | Luella F. Davis, | . | . | . | Luella F. Winslow, | . | . | Fall River. |
| 7, | . | . | Mary Anne Hasey, | . | . | . | Mary Anne Duffy, | . | . | Fall River. |
| 7, | . | . | Teresa Hasey, | . | . | . | Teresa Duffy, | . | . | Fall River. |
| 21, | . | . | Margaret M. Miles, | . | . | . | Lillie M. Holmes, | . | . | Taunton. |
| May 5, | . | . | Elmer Atwood, | . | . | . | Melvin Ellis Butler, | . | . | Everett. |
| 5, | . | . | Frederick Augustus Sampson, | . | . | . | Frederick Augustus Haskell, | . | . | Taunton. |
| 5, | . | . | Clarence Johnson, | . | . | . | Clarence Crapo, | . | . | New Bedford. |
| Sept. 1, | . | . | Josie E. Wetherell, | . | . | . | Minnie Josie Robbins, | . | . | Attleborough. |
| Nov. 3, | . | . | Joanna Louise Saarat, | . | . | . | Joanna Louise Hansen, | . | . | Attleborough. |
| 3, | . | . | Moses Russell, | . | . | . | George Taber Fuller, | . | . | New Bedford. |
| Dec. 1, | . | . | Charles Leslie Fairbanks, | . | . | . | Charles Leslie Fairbanks Paull, | . | . | Somerset. |
| 15, | . | . | Ernest Armstrong Cole, | . | . | . | Ernest Armstrong Brown, | . | . | New Bedford. |

* Names changed by reason of adoption.

PLYMOUTH COUNTY.

| Date of Decree. | Original Name. | Name Deceed. | Residence. |
|-----------------|----------------------|----------------------|------------|
| 1876. | | | |
| Jan. 24, . . . | Mary Gunn,* | Mary McMinamy, . | Broekton. |
| Feb. 28, . . . | George H. Barden,* | George H. Meserve, | Abington. |
| Apr. 17, . . . | Rebecca C. Thompson, | Rebecca C. Silsby, . | Broekton. |
| June 12, . . . | Sarah J. Evans,* | Sadie M. Swift, | Plymouth. |
| Oct. 23, . . . | Perly L. Horn,* | Perly L. Perry, . | Hanover. |

BARNSTABLE COUNTY.

| | | | |
|----------------|-------------------------|-------------------------|-----------|
| Mar. 14, . . . | Matilda F. Cahoon, | Matilda F. Simpson, | Harwich. |
| July 18, . . . | Almira Wilson, | Almira Hallet, | Yarmouth. |
| Aug. 8, . . . | Everett Kendall Wilson, | Everett Kendall Hallet, | Yarmouth. |
| 8, . . . | Alice Maud Wilson, | Alice Maud Hallet, | Yarmouth. |

DUKES COUNTY.

| | | | |
|----------------|-----------------|----------------------|------------|
| Sept. 4, . . . | Alonzo Manual,* | Alonzo Mason Ripley, | Edgartown. |
|----------------|-----------------|----------------------|------------|

* Names changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1877.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
ALEXANDER H. RICE,
GOVERNOR.

GEORGE H. CAMPBELL, *Private Secretary.*

HIS HONOR
HORATIO G. KNIGHT,
LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts.)

| | |
|----------------------|----------------------------|
| I.—JOSEPH K. BAKER. | V.—WILLIAM COGSWELL. |
| II.—HARRISON TWEED. | VI.—JOSEPH A. HARWOOD. |
| III.—FRANCIS CHILDS. | VII.—GEORGE WHITNEY. |
| IV.—HUGH J. TOLAND. | VIII.—WILLIAM C. PLUNKETT. |

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*

CHARLES ENDICOTT,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* JOHN Q. ADAMS, *2d Clerk.*

JULIUS L. CLARKE,

AUDITOR.

AUGUSTUS BROWN, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

CHARLES R. TRAIN,

ATTORNEY-GENERAL.

WILLIAM CALEB LORING, *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

SENATE.

President—JOHN B. D. COGSWELL.

| District. | Name of Senator. | Residence. |
|------------------------|-------------------------------|---------------|
| First Suffolk, . . . | Henry B. Hill, . . . | Boston. |
| Second “ . . . | Caleb Rand, . . . | Boston. |
| Third “ . . . | Michael J. Flatley, . . . | Boston. |
| Fourth “ . . . | George P. Denny, . . . | Boston. |
| Fifth “ . . . | Thomas F. Fitz Gerald, . . . | Boston. |
| Sixth “ . . . | Samuel D. Crane, . . . | Boston. |
| Seventh “ . . . | John S. Sleeper, . . . | Boston. |
| Eighth “ . . . | Francis M. Weld, . . . | Boston. |
| First Essex, . . . | Amos F. Breed, . . . | Lynn. |
| Second “ . . . | James J. H. Gregory, . . . | Marblehead. |
| Third “ . . . | Charles Howes, . . . | Essex. |
| Fourth “ . . . | Haydn Brown, . . . | West Newbury. |
| Fifth “ . . . | Jackson B. Swett, . . . | Haverhill. |
| Sixth “ . . . | Byron Truell, . . . | Lawrence. |
| First Middlesex, . . . | Selwyn Z. Bowman, . . . | Somerville. |
| Second “ . . . | Frederick M. Stone, . . . | Waltham. |
| Third “ . . . | Chas. Theodore Russell, . . . | Cambridge. |
| Fourth “ . . . | Luther H. Sherman, . . . | Wayland. |

| District. | Name of Senator. | Residence. |
|----------------------|--------------------------|-------------------|
| Fifth Middlesex, . . | Amos J. Saunders, . . | Pepperell. |
| Sixth " . . | Abraham B. Coffin, . . | Winchester. |
| Seventh " . . | Francis Jewett, . . | Lowell. |
| First Worcester, . . | George S. Barton, . . | Worcester. |
| Second " . . | Aaron C. Mayhew, . . | Milford. |
| Third " . . | Ebenezer B. Lynde, . . | West Brookfield. |
| Fourth " . . | Charles Adams, Jr., . . | North Brookfield. |
| Fifth " . . | Elisha Brimhall, . . | Clinton. |
| First Hampden, . . | Tilly Haynes, . . | Springfield. |
| Second " . . | Henry C. Ewing, . . | Holyoke. |
| Hampshire, . . | Lewis N. Gilbert, . . | Ware. |
| Franklin, . . | John F. Moors, . . | Greenfield. |
| North Berkshire, . . | Ensign H. Kellogg, . . | Pittsfield. |
| South Berkshire, . . | Harrison Garfield, . . | Lee. |
| First Norfolk, . . | John D. Whicher, . . | Quincy. |
| Second " . . | Joseph E. Fiske, . . | Needham. |
| First Plymouth, . . | Stephen M. Allen, . . | Duxbury. |
| Second " . . | Jonathan White, . . | Brockton. |
| First Bristol, . . | Samuel S. Ginnodo, . . | Attleborough. |
| Second " . . | Charles J. Holmes, . . | Fall River. |
| Third " . . | Joshua Morse, . . | Acushnet. |
| Cape, . . | John B. D. Cogswell, . . | Yarmouth. |

STEPHEN N. GIFFORD, *Clerk.*
 ISAAC DUNHAM, *Chaplain.*
 O. F. MITCHELL, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker.—JOHN D. LONG.

COUNTY OF SUFFOLK.

| District. | Ward. | Name of Representative. | Residence. |
|-----------|----------------------|--|--------------------|
| 1st, | Boston, Ward 1, . { | Dexter A. Tompkins, . Andrew Hall, . | Boston. Boston. |
| 2d, | Boston, Ward 2, . { | James L. Walsh, . S. F. Whitehouse, . | Boston. Boston. |
| 3d, | Boston, Ward 3, . { | J. Henry Brown, . Milton L. P. Heustis, . | Boston. Boston. |
| 4th, | Boston, Ward 4, . | John Turner, . | Boston. |
| 5th, | Boston, Ward 5, . { | Nahum Chapin, . Dennis G. Quirk, . | Boston. Boston. |
| 6th, | Boston, Ward 6, . { | Cornelius Desmond, . Thomas Mooney, . | Boston. Boston. |
| 7th, | Boston, Ward 7, . { | Sam. H. Wentworth, . Daniel Doherty, . | Boston. Boston. |
| 8th, | Boston, Ward 8, . { | Michael F. Wells, . Dennis O'Connor, . | Boston. Boston. |
| 9th, | Boston, Ward 9, . { | Henry Lee, . Edward F. Thayer, . | Boston. Boston. |
| 10th, | Boston, Ward 10, . { | Charles Hale, . Clement H. Hill, . | Boston. Boston. |
| 11th, | Boston, Ward 11, . { | Charles J. Prescott, . James White, . | Boston. Boston. |
| 12th, | Boston, Ward 12, . { | Edward J. Jenkins, . Patrick H. Hallinan, . | Boston. Boston. |
| 13th, | Boston, Ward 13, . { | James W. Fox, . James T. Mahony, . | Boston. Boston. |

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|--|---------------------------------|
| 14th, | Boston, Ward 14, . { | Charles J. Noyes, . Alonzo Baneroft, . | Boston. Boston. |
| 15th, | Boston, Ward 15, . { | Alonzo Warren, . Martin T. Glynn, . | Boston. Boston. |
| 16th, | Boston, Ward 16, . { | Hugh A. Madden, . Thomas M. Babson, . | Boston. Boston. |
| 17th, | Boston, Ward 17, . { | Albert E. Pillsbury, . J. Q. A. Brackett, . | Boston. Boston. |
| 18th, | Boston, Ward 18, . { | Stillman B. Allen, . John H. Cook, . | Boston. Boston. |
| 19th, | Boston, Ward 19, . { | Daniel J. Curley, . J. Austin Rogers, . | Boston. Boston. |
| 20th, | Boston, Ward 20, . { | William G. Train, . James B. Graham, . | Boston. Boston. |
| 21st, | Boston, Ward 21, . { | Henry W. Fuller, . John F. Newton, . | Boston. Boston. |
| 22d, | Boston, Ward 22, . | Charles D. Bickford, | Boston. |
| 23d, | Boston, Ward 23, . { | William C. Peters, . Abrah'm O. Bigelow, | Boston. Boston. |
| 24th, | Boston, Ward 24, . { | Joseph Wiswell, . Samuel Atherton, . | Boston. Boston. |
| 25th, | Boston, Ward 25, . | George A. Wilson, . | Boston. |
| 26th, | { Chelsea, . . . } { Revere, . . . } { Winthrop, . . } | William Robinson, . Francis Low, . Ensign Kimball, . | Chelsea. Chelsea. Revere. |

COUNTY OF ESSEX.

| | | | |
|------|---|--|----------------------------|
| 1st, | { Rockport, Gloucester, Wd. 7, . } | William Marchant, . | Rockport. |
| 2d, | { Gloucester, Wds. 1, } 2, 3, 4, 5, 6, . } | John J. Babson, . Peter D. Smith, . | Gloucester. Gloucester. |

COUNTY OF ESSEX—CONTINUED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|---|------------------------------|
| 3d, | { Gloucester, Wd. 8, . Essex, . . . Manchester, . . . Hamilton, . . . } | Lewis N. Tappan, . | Manchester. |
| 4th, | { Wenham, . . . Danvers, . . . } | Charles B. Rice, . | Danvers. |
| 5th, | Beverly, . . . | Henry P. Woodbury, | Beverly. |
| 6th, | Salem, Wds. 1, 2, 5, { | Charles S. Osgood, . Charles H. Chase, . | Salem. Salem. |
| 7th, | Salem, Wds. 3, 4, 6, { | George B. Melcher, . Dana Z. Smith, . | Salem. Salem. |
| 8th, | { Marblehead, . . . Swampscott, . . . } | Samuel Roads, . . Samuel C. Pitman, . | Marblehead. Swampscott. |
| 9th, | Lynn, Ward 3, . | James H. Richards, . | Lynn. |
| 10th, | { Lynn, Wards 1, 2, 4, . 5, 7, . . . Nahant, . . . } | Nathan M. Hawkes, . Edwin Patch, . . Alonzo Penney, . . | Lynn. Lynn. Lynn. |
| 11th, | Lynn, Ward 6, . | Edwin Walden, . | Lynn. |
| 12th, | Peabody, . . . | James E. T. Bartlett, | Peabody. |
| 13th, | { Saugus, . . . Lynnfield, . . . Middleton, . . . Topsfield, . . . } | F. E. Batchelder,* . | Middleton. |
| 14th, | { Andover, . . . North Andover, . . } | William C. Donald, . | Andover. |
| 15th, | { Boxford, . . . Rowley, . . . Ipswich, . . . } | Aaron Cogswell, . | Ipswich. |
| 16th, | { Newbury, . . . Newburyport, . . } | Eben F. Stone, . . Caleb B. Huse, . . | Newburyport. Newburyport. |
| 17th, | { Georgetown, . . . Groveland, . . . Bradford, . . . } | Charles Stickney, . | Groveland. |

* Seat contested; given to Francis P. Merriam of Middleton.

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX—CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|---|--------------------------------------|
| 18th, | { West Newbury, . } Salisbury, . . } Amesbury, . . } Merrimac, . . } | Frederick W. Merrill, Orlando S. Baley, . | Salisbury. Amesbury. |
| 19th, | { Haverhill, . . } Methuen, . . } | John W. Tilton, . Oliver Taylor, . Darius Pierce, . | Haverhill. Haverhill. Methuen. |
| 20th, | { Lawrence, Wards 1, } 2, 3, . . . } | Timothy Dacey, . John C. Sanborn, . | Lawrence. Lawrence. |
| 21st, | { Lawrence, Wards 4, } 5, 6, . . . } | Levi Emery, . . Edwin Ayer, . . | Lawrence. Lawrence. |

COUNTY OF MIDDLESEX.

| | | | |
|-------|---|---|--|
| 1st, | { Cambridge, Wards } 1, 5, . . . } | Emory Washburn,* . Solomon S. Sleeper, | Cambridge. Cambridge. |
| 2d, | { Cambridge, Wards { } 2, 4, . . . } | Leander M. Hannum, Oliver J. Rand, . Charles F. Thurston, | Cambridge. Cambridge. Cambridge. |
| 3d, | Cambridge, Ward 3, | Joseph J. Kelley, . | Cambridge. |
| 4th, | Somerville, Ward 1, | Charles G. Pope, . | Somerville. |
| 5th, | Somerville, Ward 2, | Thos. Cunningham, . | Somerville. |
| 6th, | Somerville, Wds. 3, 4, | Enoch R. Morse, . | Somerville. |
| 7th, | Medford, . . . | Baxter E. Perry, . | Medford. |
| 8th, | { Malden, . . . } Everett, . . . } | J. K. C. Sleeper, . Henry M. Hartshorn, | Malden. Malden. |
| 9th, | Melrose, . . . | W. Irving Ellis, . | Melrose. |
| 10th, | Stoneham, . . . | Onslow Gilmore, . | Stoneham. |
| 11th, | Wakefield, . . . | Thomas Winship, . | Wakefield. |
| 12th, | { Reading, . . . } North Reading, . } Wilmington, . } | H. Allen Sheldon, . | Wilmington. |

* Deceased March 18, 1877.

COUNTY OF MIDDLESEX—CONTINUED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|--|--------------------|
| 13th, | Woburn, . . . | L. Thompson, Jr., . | Woburn. |
| 14th, | { Arlington, . . . Winchester, . . . } | William H. Kinsman, | Winchester. |
| 15th, | { Watertown, . . . Belmont, . . . } | Edward Whitney, . | Belmont. |
| 16th, | Newton, . . . { | Charles E. Ranlett, . Levi C. Wade, . | Newton. Newton. |
| 17th, | Waltham, . . . | David Randall, . | Waltham. |
| 18th, | { Lexington, . . . Burlington, . . . Bedford, . . . Billerica, . . . } | William S. Gleason, | Billerica. |
| 19th, | { Tewksbury, . . . Chelmsford, . . . Tyngsborough, . . . Dracut, . . . } | Luther H. Sargent, . | Chelmsford. |
| 20th, | Lowell, Ward 1, . | Patrick Keyes, . | Lowell. |
| 21st, | Lowell, Ward 2, . | William A. Read, . | Lowell. |
| 22d, | Lowell, Ward 3, . | Edward J. Crossman, | Lowell. |
| 23d, | Lowell, Ward 4, . | Francis Carll, . | Lowell. |
| 24th, | Lowell, Ward 5, . | Cyrus K. Russell, . | Lowell. |
| 25th, | Lowell, Ward 6, . | Henry H. Wilder, . | Lowell. |
| 26th, | { Concord, . . . Acton, . . . Carlisle, . . . Lincoln, . . . } | William W. Wilde, . | Concord. |
| 27th, | { Weston, . . . Wayland, . . . Sudbury, . . . Maynard, . . . } | John Hillis, . | Maynard. |
| 28th, | Natick, . . . | Warren A. Bird, . | Natick. |
| 29th, | { Holliston, . . . Sherborn, . . . } | Peter R. Johnson, . | Holliston. |

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|-------------------------|--------------|
| 30th, | { Hopkinton, . . . } Ashland, . . . } | William F. Ellis, . | Ashland. |
| 31st, | Framingham, . . | Chas. S. Whitmore, . | Framingham. |
| 32d, | Marlborough, . . | James T. Murphy, . | Marlborough. |
| 33d, | { Hudson, . . . } Stow, . . . } Boxborough, . . } Littleton, . . . } | Geo. W. Sanderson, | Littleton. |
| 34th, | { Westford, . . . } Groton, . . . } Dunstable, . . . } Pepperell, . . . } | Asa S. Lawrence, . | Groton. |
| 35th, | { Ayer, . . . } Shirley, . . . } Townsend, . . . } Ashby, . . . } | Alfred M. Adams, . | Townsend. |

COUNTY OF WORCESTER.

| | | | |
|------|---|---|--------------------------|
| 1st, | { Blackstone, . . . } Uxbridge, . . . } | Francis N. Thayer, . | Blackstone. |
| 2d, | { Mendon, . . . } Milford, . . . } Upton, . . . } | William H. Cook, . Augustus S. Tuttle, . | Milford. Milford. |
| 3d, | { Northbridge, . . } Grafton, . . . } | Henry B. Osgood, . | Northbridge. |
| 4th, | { Westborough, . . } Southborough, . . } | Dexter Newton, . | Southborough. |
| 5th, | { Clinton, . . . } Berlin, . . . } Bolton, . . . } Sterling, . . . } Lancaster, . . . } Harvard, . . . } Lunenburg, . . . } | Nathan'l A. Newton, Perley Bartlett, . | Bolton. Sterling. |
| 6th, | Fitchburg, . . . } | Samuel E. Crocker, . Alfred Miller, . | Fitchburg. Fitchburg. |

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER—CONTINUED.

| District. | Town. | Name of Representative. | Residence. |
|-----------|--|--|--------------------------------|
| 7th, | { Winchendon, . . . Ashburnham, . . . Gardner, . . . Westminster, . . . Princeton, . . . } | Wilder P. Clark, . Simeon Merritt, . | Winchendon. Ashburnham. |
| 8th, | { Athol, . . . Royalston, . . . } | Joseph Walker, . | Royalston. |
| 9th, | { Petersham, . . . Phillipston, . . . Templeton, . . . Hubbardston, . . . } | Charles W. Davis, . | Templeton. |
| 10th, | { Dana, . . . Hardwick, . . . Barre, . . . Oakham, . . . New Braintree, . . . } | John B. Fairbank, . | Oakham. |
| 11th, | { Rutland, . . . Holden, . . . Paxton, . . . Leicester, . . . } | John D. Cogswell, . | Leicester. |
| 12th, | { West Brookfield, . . . Warren, . . . Brookfield, . . . North Brookfield, . . . Sturbridge, . . . } | Wm. H. Montague, . George W. Johnson, . | No. Brookfield. Brookfield. |
| 13th, | { Spencer, . . . Charlton, . . . Southbridge, . . . Oxford, . . . } | George F. Daniels, . Isaac B. Martin, . | Oxford. Southbridge. |
| 14th, | { Douglas, . . . Webster, . . . Dudley, . . . } | Francis M. Draper, . | Douglas. |
| 15th, | { Auburn, . . . Millbury, . . . Sutton, . . . } | George A. Flagg, . | Millbury. |
| 16th, | { Shrewsbury, . . . Northborough, . . . Boylston, . . . West Boylston, . . . } | Henry Pierce, . . | West Boylston. |

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--------------------|-------------------------|------------|
| 17th, | Leominster, . . | Francis C. Bowen, . | Leominster |
| 18th, | Worcester, Ward 1, | Thomas J. Hastings, | Worcester |
| 19th, | Worcester, Ward 2, | Samuel R. Heywood, | Worcester. |
| 20th, | Worcester, Ward 3, | Cornelius O'Sullivan, | Worcester. |
| 21st, | Worcester, Ward 4, | M. J. McCafferty, . | Worcester. |
| 22d, | Worcester, Ward 5, | James H. Mellen, . | Worcester. |
| 23d, | Worcester, Ward 6, | Frank P. Goulding, . | Worcester. |
| 24th, | Worcester, Ward 7, | John D. Lovell, . | Worcester. |
| 25th, | Worcester, Ward 8, | John D. Washburn, . | Worcester. |

COUNTY OF HAMPSHIRE.

| | | | |
|------|---|--|------------------------------|
| 1st, | { Easthampton, . . . } { Northampton, . . . } { Southampton, . . . } | Lafayette Clapp, . Mark H. Spaulding, | Easthampton. Northampton. |
| 2d, | { Hadley, . . . } { Hatfield, . . . } { Westhampton, . . . } { Williamsburg, . . } | Aaron R. Morse, . | Williamsburg. |
| 3d, | { Chesterfield, . . . } { Cummington, . . . } { Goshen, . . . } { Huntington, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . } | Merritt Torrey, . | Plainfield. |
| 4th, | { Amherst, . . . } { Pelham, . . . } { Prescott, . . . } { South Hadley, . . } | Chauncey W. Lessey, | Amherst. |
| 5th, | { Belchertown, . . . } { Enfield, . . . } { Granby, . . . } { Greenwich, . . . } { Ware, . . . } | William B. Kimball, | Enfield. |

COUNTY OF HAMPDEN.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|--|------------------------------|
| 1st, | { Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . } | Rice M. Reynold, . | Monson. |
| 2d, | { Palmer, . . . } { Wilbraham, . . . } { Ludlow, . . . } | Horace M. Sessions, | Wilbraham. |
| 3d, | Chicopee, . . | Warren S. Bragg, . | Chicopee. |
| 4th, | { Springfield, Wards } { 1, 2, . . . } | Charles W. Richards, Ephraim A. Perkins, | Springfield. Springfield. |
| 5th, | { Springfield, Wards } { 3, 6, . . . } | Leonard Clark, . | Springfield. |
| 6th, | { Springfield, Wards } { 4, 7, . . . } { Longmeadow, . } | Theodore W. Ellis, . | Springfield. |
| 7th, | { Springfield, Wards } { 5, 8, . . . } | John C. Perry, . | Springfield. |
| 8th, | { Holyoke, Wards 1, } { 2, 3, 4, 5, . } | John H. Wright, . | Holyoke. |
| 9th, | { Holyoke, Wds. 6, 7, } { West Springfield, . } | James H. Newton, . | Holyoke. |
| 10th, | { Westfield, . . . } { Agawam, . . . } { Montgomery, . } | Francis S. Egleston, Stephen H. Bodurtha, | Westfield. Agawam. |
| 11th, | { Southwick, . . . } { Granville, . . . } { Tolland, . . . } { Blandford, . . . } { Chester, . . . } { Russell, . . . } | George N. Cone, . | Chester. |

COUNTY OF FRANKLIN.

| | | | |
|------|--|--------------------|---------|
| 1st, | { Erving, . . . } { Warwick, . . . } { Orange, . . . } { New Salem, . . } | John W. Wheeler, . | Orange. |
|------|--|--------------------|---------|

HOUSE OF REPRESENTATIVES.

COUNTY OF FRANKLIN—CONCLUDED.

| District. | Town. | Name of Representative. | Residence. |
|-----------|--|-------------------------|-------------|
| 2d, | { Montague, . . . Sunderland, . . . Leverett, . . . Shutesbury, . . . Wendell, . . . } | Wm. G. Whitmore, . | Montague |
| 3d, | { Greenfield, . . . Gill, . . . Shelburne, . . . } | Newell Snow, . . . | Greenfield. |
| 4th, | { Deerfield, . . . Conway, . . . Whately, . . . } | P. D. Bridges, . . . | Deerfield. |
| 5th, | { Northfield, . . . Bernardston, . . . Leyden, . . . Colrain, . . . Heath, . . . } | Lewis T. Webster, . | Northfield. |
| 6th, | { Ashfield, . . . Buckland, . . . Charlemont, . . . Hawley, . . . Rowe, . . . Monroe, . . . } | Henry Winn, . . . | Buckland. |

COUNTY OF BERKSHIRE.

| | | | |
|------|--|--|------------------------|
| 1st, | { Hancock, . . . Lanesborough, . . . New Ashford, . . . Williamstown, . . . Clarksburg, . . . } | John L. Cole, . . . | Williamstown. |
| 2d, | Adams, . . . | { Job K. Anthony, . . . Charles H. Ingalls, . . . } | Adams. Adams. |
| 3d, | { Pittsfield, . . . Dalton, . . . } | { Jarvis N. Dunham, . . . Henry A. Barton, . . . } | Pittsfield. Dalton. |
| 4th, | { Florida, . . . Savoy, . . . Cheshire, . . . Windsor, . . . Washington, . . . Pern, . . . Hinsdale, . . . } | Jackson B. Farnum, . | Cheshire. |

HOUSE OF REPRESENTATIVES.

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COUNTY OF BERKSHIRE—CONCLUDED.

| District. | Town. | Name of Representative. | Residence. |
|-----------|---|-------------------------|----------------|
| 5th, | { Becket, . . . } Lee, . . . Otis, . . . Tyringham, . . . } | Frank S. Gross, . | Lee. |
| 6th, | { Richmond, . . . } Lenox, . . . Stockbridge, . . . West Stockbridge, . . . } | Horace J. Canfield, . | Stockbridge. |
| 7th, | { Alford, . . . } Egremont, . . . Great Barrington, . . . Monterey, . . . } | Justin Dewey, . . | Gt.Barrington. |
| 8th, | { Mt. Washington, . . } New Marlborough, . . . Sandisfield, . . . Sheffield, . . . } | Andrew J. Freeman, | N. Marlboro'. |

COUNTY OF NORFOLK.

| | | | |
|------|---|--|-----------------------------------|
| 1st, | { Dedham, . . . } Norwood, . . . } | John D. Cobb, . . | Dedham. |
| 2d, | Brookline, . . . | Edward I. Thomas, . | Brookline. |
| 3d, | Hyde Park, . . . | Charles F. Gerry, . | Hyde Park. |
| 4th, | { Milton, . . . } Canton, . . . } | Thomas Lonergan, . | Canton. |
| 5th, | { Quincy, . . . } Weymouth, . . . } | Henry F. Barker, . Benjamin S. Lovell, . George F. Hayden, . | Quincy. Weymouth. Weymouth. |
| 6th, | { Braintree, . . . } Holbrook, . . . } | Josephus Shaw, . | Braintree. |
| 7th, | { Randolph, . . . } Stoughton, . . . Sharon, . . . Walpole, . . . } | Francis W. Bird, . Seth Mann, 2d, . | Walpole. Randolph. |
| 8th, | { Franklin, . . . } Foxborough, . . . Wrentham, . . . Bellingham, . . . Medway, . . . } | Wm. R. Tompkins, . James P. Ray, . . | Wrentham. Franklin. |

HOUSE OF REPRESENTATIVES.

COUNTY OF NORFOLK—CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|-------------------------|------------|
| 9th, | { Needham, . . . } { Dover, . . . } { Medfield, . . . } { Norfolk, . . . } | James Mackintosh, . | Needham. |

COUNTY OF BRISTOL.

| | | | |
|-------|---|---|---|
| 1st, | { Attleborough, . . . } { Norton, . . . } { Mansfield, . . . } | George Asa Dean, . Charles Hallet, . | Attleborough. Mansfield. |
| 2d, | { Easton, . . . } { Raynham, . . . } | William C. Howard, | Easton. |
| 3d, | { Taunton, . . . } { Berkley, . . . } | George C. Wilson, . Frederick Hathaway, William* Watts, . | Taunton. Taunton. Taunton. |
| 4th, | { Acushnet, . . . } { Fairhaven, . . . } { Freetown, . . . } | Granville S. Allen, . | Freetown. |
| 5th, | { New Bedford, Wds. } { 1, 2, 3, . . . } | Joseph Buckminster, Benj'n S. Batchelor, | New Bedford. New Bedford. |
| 6th, | { New Bedford, Wds. } { 4, 5, 6, . . . } | Hosea M. Knowlton, Israel C. Cornish, . | New Bedford. New Bedford. |
| 7th, | { Westport, . . . } { Dartmouth, . . . } | George R. Reed, . | Dartmouth. |
| 8th, | { Fall River, Wards } { 1, 2, 3, 4, . . . } | Weaver Osborn, . Iram Smith, . . . John B. Whitaker, . | Fall River. Fall River. Fall River. |
| 9th, | { Fall River, Wards } { 5, 6, . . . } { Somerset, . . . } | Franklin Gray, . Pardon Macomber, . | Fall River. Fall River. |
| 10th, | { Seekonk, . . . } { Swanzey, . . . } { Rehoboth, . . . } { Dighton, . . . } | Hale S. Luther, . | Rehoboth. |

COUNTY OF PLYMOUTH.

| District. | Town. | Name of Representative. | Residence. |
|-----------|--|--|----------------------------|
| 1st, | { Hingham, . . . } Hull, . . . } | John D. Long, . . . | Hingham. |
| 2d, | { Cohasset, . . . } Scituate, . . . } South Scituate, . . . } | Daniel J. Bates, . . . | Cohasset. |
| 3d, | { Marshfield, . . . } Pembroke, . . . } Hanson, . . . } Halifax, . . . } | William H. H. Bryant, . . . | Pembroke. |
| 4th, | { Duxbury, . . . } Kingston, . . . } Plympton, . . . } Carver, . . . } | George Bradford, . . . | Duxbury. |
| 5th, | Plymouth, . . . | Charles E. Barnes, . . . | Plymouth. |
| 6th, | { Wareham, . . . } Rochester, . . . } Marion, . . . } Mattapoisett, . . . } | Obed Delano, . . . | Marion. |
| 7th, | { Middleborough, . . . } Lakeville, . . . } | Isaac Winslow, . . . | Middleboro'. |
| 8th, | { Bridgewater, . . . } East Bridgewater, . . . } | Lewis G. Lowe, . . . | Bridgewater. |
| 9th, | { Rockland, . . . } Hanover, . . . } | Ezekiel R. Studley, . . . | Rockland. |
| 10th, | { Brockton, . . . } W. Bridgewater, . . . } | Alfred Laws, . . . Curtis Eddy, . . . | Brockton. W. Bridgew'r. |
| 11th, | { Abington, . . . } South Abington, . . . } | Erastus M. Nash, . . . | Abington. |

COUNTY OF BARNSTABLE.

| | | | |
|------|---|--------------------------|-------------|
| 1st, | { Sandwich, . . . } Falmouth, . . . } | Crocker H. Bearse, . . . | Falmouth. |
| 2d, | { Barnstable, . . . } Mashpee, . . . } | Samuel Snow, . . . | Barnstable. |

HOUSE OF REPRESENTATIVES.

COUNTY OF BARNSTABLE—CONCLUDED.

| District. | Town. | Name of Representative. | Residence. |
|-----------|----------------------|-------------------------|---------------|
| 3d, | { Yarmouth, . . . } | Daniel Wing, . . | Yarmouth. |
| 4th, | { Harwich, . . . } | Abiathar Doane, . | Harwich. |
| 5th, | { Brewster, . . . } | Noah Swett, . . | Wellfleet. |
| | { Orleans, . . . } | | |
| | { Eastham, . . . } | | |
| 6th, | { Wellfleet, . . . } | | |
| | { Truro, . . . } | Henry Shortle, . | Provincetown. |
| | { Provincetown, . } | | |

COUNTY OF DUKES.

| | | | |
|------|----------------------|-------------------|------------|
| 1st, | { Chilmark, . . . } | Richard Holley, . | Edgartown. |
| | { Edgartown, . . . } | | |
| | { Gay Head, . . . } | | |
| | { Gosnold, . . . } | | |
| | { Tisbury, . . . } | | |

COUNTY OF NANTUCKET.

| | | | |
|------|----------------|---------------------|------------|
| 1st, | Nantucket, . . | Charles B. Swain, . | Nantucket. |
|------|----------------|---------------------|------------|

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| | |
|--|-------------|
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[Congressional districts established by Chap. 300, Acts of 1872, and Chap. 113, Acts of 1876.]

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 GEORGE F. HOAR, . . . of *Worcester*.

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 IV.—LEOPOLD MORSE, . . . of *Boston*.
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 VI.—GEORGE B. LORING, . . . of *Salem*.
 VII.—BENJAMIN F. BUTLER, . . . of *Lowell*.
 VIII.—WILLIAM CLAFLIN, . . . of *Newton*.
 IX.—WILLIAM W. RICE, . . . of *Worcester*.
 X.—AMASA NORCROSS, . . . of *Fitchburg*.
 XI.—GEORGE D. ROBINSON, . . . of *Chicopee*.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
June 16, 1877. }

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns in this Department.

HENRY B. PEIRCE,
Secretary of the Commonwealth.

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I N D E X .

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